

APPEAL PANEL OF RACING NEW SOUTH WALES

IN THE MATTER OF THE APPEAL OF LICENSED TRAINER BRETT ROBB

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Heard at Racing NSW Offices

Appeal Panel: **Mr L Gyles SC – Principal Member; Mr J Murphy;
Ms J Foley**

10 Representatives: **Racing NSW – Mr Cleaver
Appellant – Self Represented**

Date of Hearing: **28 May 2025**

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REASONS FOR DECISION

20 **L GYLES SC: Principal Member**

This Appeal relates to the Appellant, a licensed trainer, administering an injection to one of his horses within one day of it being engaged in a race.

25 The issue arose on Saturday 19 April 2025 when the Chief Steward of the Western Racing Association attended the Appellant's stables for the purpose of conducting pre-race day checks of the runners engaged to race on the following day. This led to a telephone conversation between the Chief Steward and the Appellant, in which the Appellant told the Chief Steward that he had injected Micro Mikki that morning and although the gelding was entered in a race the following day, the Appellant had decided
30 not to run the horse and had informed the horse owners accordingly. Despite that intention, Micro Mikki remained in the field the following day and the Stewards withdrew the gelding from that race.

A charge was subsequently issued by the Stewards against the Appellant for a breach of AR254(1)(a)(ii) based upon the administration by injection of "Richtafort" within a day
35 of the gelding being engaged to race.

The Appellant immediately pleaded guilty to the charge, and after a short hearing the Stewards imposed a fine of \$2,000.

On 21 April 2025 the Appellant lodged a Notice of Appeal from the penalty imposed on him by the Stewards.

40 The Appeal came on for hearing before the Panel on 28 May 2025. Mr Cleaver appeared for the Stewards and the Appellant appeared for himself, by AVL from Dubbo. At the commencement of the hearing the parties agreed that the only issue for determination by the Panel was whether, as contended for by Mr Cleaver, that the \$2,000 fine imposed by the Stewards was reasonable and necessary ought not be
45 disturbed or alternatively, as contended for by the Appellant, that the penalty should be reduced.

The Panel had regard to the Steward's report and the transcript of the hearing conducted by them, and to a very helpful written submission provided by the Appellant in advance of the hearing, as well as the oral submissions of Mr Cleaver and the
50 Appellant.

The Panel took the view that whilst the culpability of the Appellant was at the lowest end of the range and that there were a number of mitigating factors which could be relied upon in reducing the penalty which may otherwise be imposed for an offence of this character, ultimately it was necessary for there to be a monetary penalty because of the
55 importance of integrity to the reputation of racing in NSW.

The error in this case was accepted to be administrative only in that the Appellant had failed in a timely way to act upon his intention to scratch the gelding from the race in which it had been entered, but nevertheless the Panel considered it important not to allow or encourage trainers to refrain from scratching horses until after any pre-race
60 inspection by the Stewards had occurred. This conduct may leave open the possibility of running the horse if the administration of an injection within one day of the relevant race was not picked up by the Stewards, or may otherwise be relied upon as an excuse by trainers when found to have been in breach of the relevant rule. The Panel will not condone that practice.

65 It is clear from the conduct of the Appellant that he made full and frank admissions in respect of the breach and was contrite and apologetic in relation to the administrative error which had enabled this to occur. It was essentially a self-reported offence, and he presented as a courteous and respectful witness and the Panel accepted his commitment to ensuring that such errors would not take place in the future and as to his

70 regard for the importance of the work that the Stewards do in ensuring compliance with the Rules of Racing.

The only relevant decision which was referred to by either of the parties was that in respect of the trainer Toby Edmonds. The trainer in that case in relation to a similar offence was fined \$3,000 but the Stewards in their decision accepted that the current
75 circumstances involved less culpability and hence imposed a lower fine of \$2,000.

The Panel agrees and accepts that there are a greater level of mitigating factors involved in the present case and also notes that the prize money on offer in respect of the relevant races was significantly reduced in the present case. The Panel has also had regard to the Appellant's evidence that the \$2,000 fine will have a significant impact
80 on him particularly where he is paying child support.

In all of the circumstances the Panel takes the view that the fine imposed by the Stewards should be reduced to \$1,000.

Orders:

- 85 1. The Appeal allowed in part;
2. The fine imposed by the Stewards be reduced to \$1,000;
3. The Appeal deposit be retained.

30 May 2025