



DETERMINATION ON PENALTY IN RESPECT TO CHARGES ISSUED AGAINST INDUSTRY PARTICIPANTS
MR STEPHEN JONES, MR DAVID KELLY, MS TRACY RODGER AND MS OLIVA FITTON

Racing NSW Offices

22 April 2024

**Stewards: S G Railton (Chair)
J R Johnstone
T P Moxon**

Racing NSW Stewards today determined the matter of penalty in respect of charges issued against licensed trainer Mr Stephen Jones and licensed forepersons Mr David Kelly and Ms Tracy Rodger as well as licenced stablehand Ms Olivia Fitton.

Background

Following interviews conducted by Racing NSW Investigators with Mr Kelly on 2 and 5 January 2023, the Racing NSW Integrity Department commenced an investigation into the stable practices of licensed trainer Mr Stephen Jones in respect of the alleged raceday administration of the medication Diurex to certain horses under his care. As part of the investigation interviews were conducted on 27 June 2023 with Mr Jones, Ms Rodger, Ms Fitton and licensed stablehand Ms Lisa Fitton. On 28 June 2023, a further interview was conducted with Ms L Fitton and licensed foreperson Ms Cheonju Park.

On 28 June 2023, a charge was issued against each of Mr Jones (AR249(1)(b)), Mr Kelly (AR249(1)(a)) and Ms Rodger (AR227(b)) in respect of an alleged raceday treatment of the horse Inferno Miss prior to that horse racing at Taree on 14 October 2022. Having regard to the serious nature of the charges issued, all parties were required to show cause why their respective licenses should not be suspended under the provisions of AR23 pending the determination of the charges on the basis that their ongoing participation might pose an unacceptable risk of prejudicing the image, interest and integrity of racing. After having considered submissions made on behalf of Mr Jones, Stewards did not enforce the provisions of AR23 against him and he was permitted to continue to train in accordance with his licence. After having considered the submissions made by Mr Kelly and Ms Rodger, Stewards ruled that their respective licenses should be suspended under AR23 pending the hearing and determination of those charges.

On 1 August 2023, Stewards opened an inquiry into the alleged raceday treatment of certain horses trained by Mr Jones that had a history of bleeding, such alleged raceday treatments with the medication Diurex occurring between August 2022 and December 2022. During the inquiry evidence was taken from Mr Jones and Ms Rodger, who were represented by solicitor Mr Paul O'Sullivan, Mr Kelly, Ms L Fitton and Ms O Fitton and Racing NSW Official Veterinarian and Welfare Officer Dr Rose Bensley. After being adjourned, the inquiry was reconvened on 16 August 2023 to obtain evidence from Ms C Hudson, partner of Mr Kelly, Ms Park and licensed stablehand Mr Rod Tabor.

After having considered all the evidence, on 19 January 2024 Stewards issued a number of further charges against Mr Jones, Mr Kelly and Ms Rodger with a charge also being issued against licensed stablehand Ms O Fitton. Those charges are detailed below.

On 27 February 2024, Stewards reconvened to hear and determine those charges. During the hearing both Mr Jones and Ms Rodger were represented by Mr Joe Bryant, solicitor. Despite being directed to attend the inquiry, Ms Fitton failed to do so or make herself available to provide further evidence.

On 1 March 2024, both Mr Kelly and Ms Hudson were interviewed in relation to fresh evidence which was provided to Stewards following the hearing of charges on 27 February 2024. On 13 March 2024, the inquiry was continued to allow for this fresh evidence to be entered and tested.

On 5 April 2024, Stewards handed down their determination in respect of charges issued against Mr Jones and Ms Rodger to which they had pleaded not guilty. Submissions on penalty were subsequently received on behalf Mr Jones and Ms Rodger as well as Mr Kelly.

After failing to respond to formal notification from Racing NSW Stewards, Ms Fitton, in her absence, was found guilty of being in breach of AR254(1)(d)(i).

Charges issued against Mr Stephen Jones

Charge 1 – AR249(1)(b) Administration of medication on race day

The details of the charge being that on 26 August 2022, he did, without the permission of the Stewards, cause to be administered by intravenous injection the medication Diurex to Inferno Miss on race day, prior to the commencement of Race 5, the Class 1 Handicap at Taree, where it was engaged to race.

Plea – Not Guilty

Finding – Guilty

Penalty – 12 months disqualification.

Charge 2 – AR254(1)(b)/(c)(i) Injections prohibited at certain times

The details of the charge being that on 26 August 2022, he did, without the permission of the Stewards, cause to be and/or was a party to the intravenous injection of the horse Inferno Miss with Diurex on race day, prior to the commencement of Race 5, the Class 1 Handicap at Taree, where it was engaged to race.

Plea – Not Guilty

Finding – Guilty

Penalty – 12 months disqualification. To be served concurrently with penalty for charge 1

Charge 3 – AR249(1)(b) Administration of medication on race day

The details of the charge being that on 12 September 2022, he did, without the permission of the Stewards, cause to be administered by intravenous injection the medication Diurex to Inferno Miss on race day, prior to the commencement of Race 8, the Class 1 Handicap at Tamworth, where it was engaged to race.

Plea – Not Guilty

Finding – Guilty

Penalty – 12 months disqualification.

Charge 4 – AR254(1)(b)/(c)(i) Injections prohibited at certain times

The details of the charge being that on 12 September 2022, he did, without the permission of the Stewards, cause to be and/or was a party to the intravenous injection of the horse Inferno Miss with Diurex on race day, prior to the commencement of Race 8, the Class 1 Handicap at Tamworth, where it was engaged to race.

Plea – Not Guilty

Finding – Guilty

Penalty – 12 months disqualification. To be served concurrently with penalty for charge 3

Charge 5 – AR249(1)(b) Administration of medication on race day

The details of the charge being that on 3 October 2022, he did, without the permission of the Stewards, cause to be administered by intravenous injection the medication Diurex to Inferno Miss on race day, prior to the commencement of Race 5, the Class 1 Handicap at Muswellbrook, where it was engaged to race.

Plea – Not Guilty

Finding – Guilty

Penalty – 12 months disqualification.

Charge 6 – AR254(1)(b)/(c)(i) Injections prohibited at certain times

The details of the charge being that on 3 October 2022, he did, without the permission of the Stewards, cause to be and/or was a party to the intravenous injection of the horse Inferno Miss with Diurex on race day, prior to the commencement of Race 5, the Class 1 Handicap at Muswellbrook, where it was engaged to race.

Plea – Not Guilty

Finding – Guilty

Penalty – 12 months disqualification. To be served concurrently with penalty for charge 5

Charge 7 – AR249(1)(b) Administration of medication on race day

The details of the charge being that on 14 October 2022, he did, without the permission of the Stewards, cause to be administered by intravenous injection the medication Diurex to Inferno Miss on race day, prior to the commencement of Race 8, the Benchmark 58 Handicap at Taree, where it was engaged to race.

Plea – Not Guilty

Finding – Not Guilty

Charge 8 – AR254(1)(b)/(c)(i) Injections prohibited at certain times

The details of the charge being that on 14 October 2022, he did, without the permission of the Stewards, cause to be and/or was a party to the intravenous injection of the horse Inferno

Miss with Diurex on race day, prior to the commencement of Race 8, the Benchmark 58 Handicap at Taree, where it was engaged to race.

Plea – Not Guilty
Finding - Not Guilty

Charge 9 – AR249(1)(b) Administration of medication on race day

The details of the charge being that on 30 October 2022, he did, without the permission of the Stewards, cause to be administered by intravenous injection the medication Diurex to Inferno Miss on race day, prior to the commencement of Race 4, the Class 1 Handicap at Muswellbrook, where it was engaged to race.

Plea – Not Guilty
Finding – Guilty

Penalty – 12 months disqualification.

Charge 10 – AR254(1)(b)/(c)(i) Injections prohibited at certain times

The details of the charge being that on 30 October 2022, he did, without the permission of the Stewards, cause to be and/or was a party to the intravenous injection of the horse Inferno Miss with Diurex on race day, prior to the commencement of Race 4, the Class 1 Handicap at Muswellbrook, where it was engaged to race.

Plea – Not Guilty
Finding – Guilty

Penalty – 12 months disqualification. To be served concurrently with penalty for charge 9

Charge 11 – AR249(1)(b) Administration of medication on race day

The details of the charge being that on 29 November 2022, he did, without the permission of the Stewards, cause to be administered by intravenous injection the medication Diurex, to Inferno Miss on race day, prior to the commencement of Race 8, the Class 2 Handicap at Tamworth, where it was engaged to race.

Plea – Not Guilty
Finding – Guilty

Penalty – 12 months disqualification.

Charge 12 – AR254(1)(b)/(c)(i) Injections prohibited at certain times

The details of the charge being that on 29 November 2022, he did, without the permission of the Stewards, cause to be and/or was a party to the intravenous injection of the horse Inferno Miss with Diurex on race day, prior to the commencement of Race 8, the Class 2 Handicap at Tamworth, where it was engaged to race.

Plea – Not Guilty
Finding – Guilty

Penalty – 12 months disqualification. To be served concurrently with penalty for charge 11

Charge 13 – AR249(1)(b) Administration of medication on race day

The details of the charge being that on 30 September 2022, he did, without the permission of the Stewards, cause to be administered by intravenous injection the medication Diurex, to Oh No Bro on race day, prior to the commencement of Race 8, the Benchmark 58 Handicap at Dubbo, where it was engaged to race.

Plea – Not Guilty

Finding – Guilty

Penalty – 12 months disqualification.

Charge 14 – AR254(1)(b)/(c)(i) Injections prohibited at certain times

The details of the charge being that on 30 September 2022, he did, without the permission of the Stewards, cause to be and/or was a party to the intravenous injection of the horse Oh No Bro with Diurex on race day, prior to the commencement of Race 8, the Benchmark 58 Handicap at Dubbo, where it was engaged to race.

Plea – Not Guilty

Finding – Guilty

Penalty – 12 months disqualification. To be served concurrently with penalty for charge 13

Charge 15 – AR249(1)(b) Administration of medication on race day

The details of the charge being that on 7 November 2022, he did, without the permission of the Stewards, cause to be administered by intravenous injection the medication Diurex, to Oh No Bro on race day, prior to the commencement of Race 1, the Benchmark 58 Handicap at Scone, where it was engaged to race.

Plea – Not Guilty

Finding – Guilty

Penalty – 12 months disqualification.

Charge 16 – AR254(1)(b)/(c)(i) Injections prohibited at certain times

The details of the charge being that on 7 November 2022, he did, without the permission of the Stewards, cause to be and/or was a party to the intravenous injection of the horse Oh No Bro with Diurex on race day, prior to the commencement of Race 1, the Benchmark 58 Handicap at Scone, where it was engaged to race.

Plea – Not Guilty

Finding – Guilty

Penalty – 12 months disqualification. To be served concurrently with penalty for charge 15

Charge 17 – AR104 Trainers must keep treatment records

The details of the charge being that he did fail to keep records of medication or treatments, specifically Frusemide (Lasix) and Diurex, administered to horses in his care between 12 September 2022 and 7 March 2023.

Plea – Guilty

Penalty – 3 months suspension reduced to 2 months suspension for guilty plea, to be served wholly concurrent with the penalties for charges 1 – 16

Charge 18 – AR252(1) Possession of medication/substance/preparation in breach of legislation

The details of the charge being that he was found to have on his licensed stable premises a medication, substance or preparation which had not been registered with the APVMA and/or in accordance with the applicable Commonwealth and State Legislation, namely Dr Bells Drops.

Plea – Guilty

Penalty - \$1000 fine reduced to \$750 for guilty plea

Charge 19 – AR252A Possession of injectable products containing cobalt salts

The details of the charge being that he did have in his possession at his licensed stable premises the injectable product Hemoplex which contains cobalt salts.

Plea – Guilty

Penalty - \$1000 fine reduced to \$750 for guilty plea

Charge 20 - AR254(1)(b)/(c)(ii) Injections prohibited at certain times

The details of the charge being that on 20 April 2023, he did, without the permission of the Stewards, cause to be and/or was a party to the intravenous injection of the horse Chiky Chiky Mama with Centiofeur within one clear day of Race 6, the Benchmark 58 Handicap at Tamworth, where it was engaged to race on 21 April 2023.

Plea – Not Guilty

Finding – Not Guilty

Charge 21 – AR254A Administration of cobalt salts by injection

The details of the charge being that he did cause and/or was a party to the injection of a product containing cobalt salts, namely Hemoplex, to horses in his care on thirteen (13) occasions between 17 August 2022 and 28 April 2023.

Plea – Guilty

Penalty - \$10,000 fine reduced to \$6,000 fine due to guilty plea and other relevant considerations

Total Penalty – Mr Stephen Jones

The cumulative total of the above penalties is a period of 7 years disqualification, after taking into account concurrency, and a fine of \$7500. However, the Stewards are of the view that there were a number of matters that needed to be considered when determining the total penalty in such a matter. For the purposes of determining the total penalty, the Stewards considered the following matters:

1. Principles of specific and general deterrence and what message is to be sent to the industry, and the greater public, in respect of such conduct.
2. Purpose of issuing penalties as a protective measure for the image and integrity of the thoroughbred racing industry.
3. Stewards considered that there had been a deliberate and systematic practice adopted by the stable in respect of raceday treatments during the relevant period. It was not an isolated act. Such practice undermines the integrity and welfare of the thoroughbred racing industry.
4. In respect of the penalty applicable to charge 17, namely the offence of not keeping proper treatment records, Stewards believed this to be a deliberate practice to conceal the manner in which diuretics were used. Such practice totally undermines the purpose of proper recording of treatments administered to horses under a trainer's care.
5. Mr Jones' professional and personal circumstances.
6. His disciplinary record over a prolonged period, which does not include any like offences.

Penalty imposed – Mr Stephen Jones

Having regard the principles of totality of penalty, in addition to the orders in respect of concurrency for charges 1 – 17, as set out above, Stewards ruled that the total penalty imposed upon Mr Jones is that he be disqualified for a total period of 3½ years. Such disqualification to commence immediately and to expire on 22 October 2027. A total fine of \$7500 is also imposed.

Charges issued against Mr David Kelly

Charge 1 – AR249(1)(a) Administration of medication on race day

The details of the charge being that on 26 August 2022, he did, without the permission of the Stewards, administer by intravenous injection the medication Diurex to Inferno Miss on race day, prior to the commencement of Race 5, the Class 1 Handicap at Taree, where it was engaged to race.

Plea - Guilty

Penalty – 12 months disqualification reduced to 9 months disqualification for guilty plea.

Charge 2 – AR254(1)(a)(i) Injections prohibited at certain times

The details of the charge being that on 26 August 2022, he did, without the permission of the Stewards, intravenously inject the horse Inferno Miss with Diurex on race day, prior to the commencement of Race 5, the Class 1 Handicap at Taree, where it was engaged to race.

Plea – Guilty

Penalty – 12 months disqualification reduced to 9 months disqualification for guilty plea. To be served concurrently with penalty for charge 1

Charge 3 – AR249(1)(a) Administration of medication on race day

The details of the charge being that on 12 September 2022, he did, without the permission of the Stewards, administer by intravenous injection the medication Diurex to Inferno Miss on race day, prior to the commencement of Race 8, the Class 1 Handicap at Tamworth, where it was engaged to race.

Plea – Guilty

Penalty – 12 months disqualification reduced to 9 months disqualification for guilty plea.

Charge 4 – AR254(1)(a)(i) Injections prohibited at certain times

The details of the charge being that on 12 September 2022, he did, without the permission of the Stewards, intravenously inject the horse Inferno Miss with Diurex on race day, prior to the commencement of Race 8, the Class 1 Handicap at Tamworth, where it was engaged to race.

Plea – Guilty

Penalty – 12 months disqualification reduced to 9 months disqualification for guilty plea. To be served concurrently with penalty for charge 3

Charge 5 – AR249(1)(a) Administration of medication on race day

The details of the charge being that on 3 October 2022, he did, without the permission of the Stewards, administer by intravenous injection the medication Diurex to Inferno Miss on race day, prior to the commencement of Race 5, the Class 1 Handicap at Muswellbrook, where it was engaged to race.

Plea - Guilty

Penalty – 12 months disqualification reduced to 9 months disqualification for guilty plea.

Charge 6 – AR254(1)(a)(i) Injections prohibited at certain times

The details of the charge being that on 3 October 2022, he did, without the permission of the Stewards, intravenously inject the horse Inferno Miss with Diurex on race day, prior to the commencement of Race 5, the Class 1 Handicap at Muswellbrook, where it was engaged to race.

Plea – Guilty

Penalty – 12 months disqualification reduced to 9 months disqualification for guilty plea. To be served concurrently with penalty for charge 5

Charge 7 – AR249(1)(a) Administration of medication on race day

The details of the charge being that on 30 October 2022, he did, without the permission of the Stewards, administer by intravenous injection the medication Diurex to Inferno Miss on race day, prior to the commencement of Race 4, the Class 1 Handicap at Muswellbrook, where it was engaged to race.

Plea - Guilty

Penalty – 12 months disqualification reduced to 9 months disqualification for guilty plea.

Charge 8 – AR254(1)(a)(i) Injections prohibited at certain times

The details of the charge being that on 30 October 2022, he did, without the permission of the Stewards, intravenously inject the horse Inferno Miss with Diurex on race day, prior to the commencement of Race 4, the Class 1 Handicap at Muswellbrook, where it was engaged to race.

Plea – Guilty

Penalty – 12 months disqualification reduced to 9 months disqualification for guilty plea. To be served concurrently with penalty for charge 7

Charge 9 – AR249(1)(a) Administration of medication on race day

The details of the charge being that on 29 November 2022, he did, without the permission of the Stewards, administer by intravenous injection the medication Diurex to Inferno Miss on race day, prior to the commencement of Race 8, the Class 2 Handicap at Tamworth, where it was engaged to race.

Plea – Guilty

Penalty – 12 months disqualification reduced to 9 months disqualification for guilty plea.

Charge 10 – AR254(1)(a)(i) Injections prohibited at certain times

The details of the charge being that on 29 November 2022, he did, without the permission of the Stewards, intravenously inject the horse Inferno Miss with Diurex on race day, prior to the commencement of Race 8, the Class 2 Handicap at Tamworth, where it was engaged to race.

Plea – Guilty

Penalty – 12 months disqualification reduced to 9 months disqualification for guilty plea. To be served concurrently with penalty for charge 9

Charge 11 – AR249(1)(a) Administration of medication on race day

The details of the charge being that on 30 September 2022, he did, without the permission of the Stewards, administer by intravenous injection the medication Diurex to Oh No Bro on race day, prior to the commencement of Race 8, the Benchmark 58 Handicap at Dubbo, where it was engaged to race.

Plea – Guilty

Penalty – 12 months disqualification reduced to 9 months disqualification for guilty plea.

Charge 12 – AR254(1)(a)(i) Injections prohibited at certain times

The details of the charge being that on 30 September 2022, he did, without the permission of the Stewards, intravenously inject the horse Oh No Bro with Diurex on race day, prior to the commencement of Race 8, the Benchmark 58 at Dubbo, where it was engaged to race.

Plea – Guilty

Penalty – 12 months disqualification reduced to 9 months disqualification for guilty plea. To be served concurrently with penalty for charge 11

Charge 13 – AR249(1)(a) Administration of medication on race day

The details of the charge being that on 7 November 2022, he did, without the permission of the Stewards, administer by intravenous injection the medication Diurex to Oh No Bro on race day, prior to the commencement of Race 1, the Benchmark 58 Handicap at Scone, where it was engaged to race.

Plea - Guilty

Penalty – 12 months disqualification reduced to 9 months disqualification for guilty plea.

Charge 14 – AR254(1)(a)(i) Injections prohibited at certain times

The details of the charge being that on 7 November 2022, he did, without the permission of the Stewards, intravenously inject the horse Oh No Bro with Diurex on race day, prior to the commencement of Race 1, the Benchmark 58 Handicap at Scone, where it was engaged to race.

Plea – Guilty

Penalty – 12 months disqualification reduced to 9 months disqualification for guilty plea. To be served concurrently with penalty for charge 13

Charge 15 – AR254(1)(c)(i) Injections prohibited at certain times

The details of the charge being that on 14 October 2022, he did, without the permission of the Stewards, (a) inject and/or (b) attempt to inject the horse Inferno Miss with Diurex on race day, prior to the commencement of Race 8, the Benchmark 58 Handicap at Taree, where it was engaged to race.

Plea – Guilty to having attempted to inject Inferno Miss

Penalty – 12 months disqualification reduced to 9 months disqualification for guilty plea.

Charge 16 – AR254A Administration of cobalt salts by injection

The details of the charge being that he did administer a product containing cobalt salts, namely Hemoplex, to horses by injection on five (5) occasions between 17 August 2022 and 5 December 2022.

Plea – Guilty

Penalty - \$1000 fine reduced to \$750. Stewards ruled that the penalty be wholly suspended.

Total Penalty – Mr David Kelly

The cumulative total of the above penalties is a period of 6 years' disqualification, after taking into account concurrency. However, the Stewards are of the view that there were a number of matters that needed to be considered when determining the total penalty in such a matter. For the purposes of determining the total penalty, the Stewards considered the following matters:

1. Early entry of a guilty plea in respect of each of the charges issued against him.
2. Mr Kelly's assistance and co-operation with Racing NSW Officials throughout the investigation and Stewards inquiry.
3. The fact that Mr Kelly provided evidence to Investigators of the practices adopted by the stable that contravened of the Rules of Racing. But for his assistance the practice may not have been identified.
4. Participants should feel encouraged to report activities that are contrary to the Rules of Racing and have the potential to undermine the integrity of the industry.
5. Principles of specific and general deterrence and what message is to be sent to the industry, and the greater public, in respect of such conduct.
6. Purpose of issuing penalties as a protective measure for the image and integrity of the thoroughbred racing industry.
7. Personal and professional circumstances

Penalty imposed – Mr David Kelly

Having regard the principles of totality of penalty, in addition to the orders in respect of concurrency as set out above, Stewards ruled that the total penalty imposed upon Mr Kelly is that he be disqualified for a total period of 18 months. Such disqualification to commence on 28 June 2023, the day upon which Mr Kelly's license was suspended under AR23, until 28 December 2024.

Charges issued against Ms Tracy Rodger

Charge 1 – AR254(1)(c)(i) Injections prohibited at certain times

The details of the charge being that on 14 October 2022, she did, without the permission of the Stewards, (a) inject and/or (b) attempt to inject the horse Inferno Miss with Diruex on race day, prior to the commencement of Race 8, the Benchmark 58 Handicap at Taree, where it was engaged to race.

Plea – Not Guilty

Finding – Guilty of having attempted to inject Inferno Miss

Penalty – 12 months disqualification reduced to 10 months

Charge 2 – AR254(1)(a)(i) Injections prohibited at certain times

The details of the charge being that on 20 April 2023, she did, without the permission of the Stewards, intravenously inject the horse Chiky Chiky Mama with Centiofeur within one clear day of Race 6, the Benchmark 58 Handicap at Tamworth, where it was engaged to race on 21 April 2023.

Plea – Not Guilty

Finding – Not Guilty

Charge 3 - AR254A Administration of cobalt salts by injection

The details of the charge being that she did administer a product containing cobalt salts, namely Hemoplex, to horses by injection on eight (8) occasions between 31 August 2022 and 28 April 2023

Plea – Guilty

Penalty - \$1000 fine reduced to \$750. Stewards ruled that the penalty be wholly suspended

Penalty – Ms Tracy Rodger

Having regard to other relevant subjective matters, Stewards ruled that a period of 10 months disqualification be imposed.


The period of 10 months disqualification is deemed to have commenced on 28 June 2023, the day upon which Ms Rodger's license was suspended under AR23.

As a result of the decision of the Racing NSW Appeal Panel on 21 December 2023 to lift the suspension of Ms Rodger's licence imposed under AR23, Ms Rodger had effectively served a period of 6 months.

Accordingly, Stewards ruled that Ms Rodger be required to serve the balance of the 10 months disqualification period, to commence on Monday 22 April 2024 and to expire on 22 August 2024.

Penalty Considerations

1. Principles of specific and general deterrence and what message is to be sent to the industry, and the greater public, in respect of such conduct.

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2. Purpose of issuing penalties as a protective measure for the image and integrity of the thoroughbred racing industry.
 3. Professional and personal circumstances
 4. Disciplinary record over a prolonged period with no like offences

Charge issued against Ms Olivia Fitton

Charge 1 – AR254(1)(d)(i) Injections prohibited at certain times

The details of the charge being that on 14 October 2022, she was, without the permission of the Stewards, a party to the attempted intravenous injection of the horse Inferno Miss with Diruex on race day, prior to the commencement of Race 8, the Benchmark 58 Handicap at Taree, where it was engaged to race.

Plea – No plea entered

Finding – Guilty

Penalty – 6 months disqualification

Stewards ruled that the period of disqualification to commence immediately and to expire of 22 October 2024. Stewards also ruled that any future application for a licence with Racing NSW, necessarily take into account Ms Fitton's conduct during this inquiry.

Penalty Considerations

1. Principle on specific and general deterrence and what message is to be sent to the industry, and the greater public, in respect of such conduct
2. Purpose of issuing penalties as a protective measure for the image and integrity of the thoroughbred racing industry
3. Ms Fitton's non-co-operation during the inquiry and her failure to attend when directed to do so

Relevant Rules

AR 104 Trainers must keep treatment records

(1) A trainer must record any medication or treatment administered to any horse in the trainer's care by midnight on the day on which the administration was given.

AR 249 Administration of medication on race day

(1) Notwithstanding the provisions set out in Schedule 1, Part 2, Division 2, a person must not, without the permission of the Stewards:

- (a) administer; or*
- (b) cause to be administered,*
any medication to a horse at any time on race day prior to the commencement of a race in which the horse is engaged to race.

AR 252 Possession of medication/substance/preparation in breach of legislation

(1) A person must not have in his or her possession or on his or her premises any medication, substance or preparation which has not been registered, labelled, prescribed, dispensed or obtained in accordance with applicable Commonwealth and State legislation.

AR 252A Possession of injectable products containing cobalt salts

(1) A person must not have in his or her possession, or on his or her premises, any injectable product which contains cobalt salts.

AR 254 Injections prohibited at certain times

(1) A person must not, without the permission of the Stewards:

- (a) inject;*
- (b) cause to be injected;*
- (c) attempt to inject; or*
- (d) be a party to the injection or attempted injection of, a horse engaged to run in any race:*
 - (i) at any time on the day of the scheduled race and prior to the start of that race;*
 - and/or*
 - (ii) at any time during the 1 clear day prior to 12.00am on the day of the scheduled race.*

AR 254A Administration of cobalt salts by injection

(1) A person must not:

- (a) administer;*
- (b) cause to be administered;*
- (c) attempt to administer; or*
- (d) be a party to the administration or attempted administration of, a product containing cobalt salts to a horse by injection.*

**S G Railton
Chairman Of Stewards
Racing NSW**