

**RACING APPEALS TRIBUNAL**

**QUEENSLAND**

**NOTICE OF DECISION**

**APPEAL NO:** RT016-08

**DATE:** 12 June 2008

**APPELLANT:** Bradley James Hudson

**RESPONDENT:** Queensland Racing

**APPEAL FROM:** Decision of the Stewards of Queensland Racing imposing a fine of \$3,000 for a breach of Australian Rules of Racing 178 - appeal against penalty.

**BREACH OF RULE:** AR178

**DECISION:** Appeal allowed with penalty varied to fine of \$2,000.

**APPEARANCES:** Mr BJ Hudson appeared on his own behalf.

Mr Norm Torpey Senior Steward appeared on behalf of the Respondent.

**REASONS FOR TRIBUNAL'S DECISION**

Mr Leo G Williams AO -Chairman  
Mr Brockwell Miller - Deputy Chairman  
Mr Dennis Standfield - Member

On 30 April 2008 the Stewards of Queensland Racing imposed a fine of \$3,000 on the Appellant. The fine was imposed as penalty for a breach of Australian Rules of Racing 178 and concern the positive finding of the prohibited substance Isoxsuprine in a urine sample supplied by the horse Hi Mum. The sample was taken from the horse after it won Race 3 at Nanango on 22 March 2008.

AR178 states:

“When any horse has been brought to a racecourse for the purpose of engaging in a race and a prohibited substance is detected in any

sample taken from it prior to or following its running in any race, the trainer and/or any other person who was in charge of such horse at any relevant time maybe punished.”

The Appellant was the Trainer of Hi Mum and his appeal is based on the severity of the penalty imposed with the grounds of his appeal stated in his Notice of Appeal dated 13 May 2008 as:

“I believe the penalty was to excessive considering the race was only worth \$3,000 for winning.

I realise penalties are given to trainers to stop them from breaking the rules. But to be fined \$3000 for another person drugging my horse is a bitter pill to swallow.

I also understand that I have broken the Rule 178 of racing, but if you don't know that someone has drugged your horse it can be a very hard rule to uphold.

I realise that this rule cannot be watered down for anyone otherwise this would open up Pandora's Box, but I do ask the Board to show a little leniency in the case I put to the stewards. (Dopping of High Mum).

I have since been forced to spend \$4,500 on security cameras and a further \$1,500 on additional lighting. I also have offered to train High Mum for nothing until the owners have been paid pack their \$3,900 for losing their winners cheque.

I have been very embarrist about this whole episode and I am going to give 110% of my time and effort to prevent this from happening again.

So with all I have written I hope the Board will consider reducing my penalty of \$3000 to a lesser amount.

Thanking you  
BJ Hudson  
11976/234604”

At the Hearing the Appellant gave sworn evidence enlarging on his grounds of appeal with respect to the “doping of High (sic) Mum”. While his evidence is uncorroborated the Tribunal does accept it. It does appear that the horse was administered Sirculon which contained Isoxsuprine by a third party prior to the horse racing on 22 March 2008. The motive of a third party administering the drug appears

to be to embarrass the Appellant because of a family dispute in which the Appellant is involved.

The Appellant readily accepts the strict nature of the Rule and while the Stewards did appear to take into account the circumstances of the possibility of the drug being administered by a third party in their decision the Tribunal is of the opinion that the more appropriate penalty would have been a fine of \$2,000.

The decision of the Tribunal is:

1. Appeal allowed.
2. Penalty varied to a fine of \$2,000 to be paid by 11 August 2008.
3. Appeal deposit fee to be refunded to the Appellant.

Mr Leo G Williams AO –Chairman .....

Mr Brockwell Miller - Deputy Chairman .....

Mr Dennis Standfield - Member .....