



STEWARDS INQUIRY INTO THE RACE DAY ADMINISTRATION OF MEDICATION TO SNIPPETY BOBBINS AND
THE TRAINING OF HORSES FROM A MOTOR VEHICLE

By videoconference

9 September 2024

Stewards: **D R Hadley (Chair)**
S G Railton
M W Cleaver
J W Prior

Background

In August 2024, Racing NSW Investigators commenced an investigation into the activities of licensed trainer Mr Leon Cross and registered owner Mr Brett Cross at Warialda.

Between 21 August 2024 and 24 August 2024, Racing NSW Investigators observed Mr Leon Cross and Mr Brett Cross exercise thoroughbred horses by leading them from the side of a motor vehicle along public roads and public thoroughfares in Warialda.

About 08:19am on the 24 August 2024 at the registered stable address of Mr Leon Cross, Racing NSW Investigators observed Mr Brett Cross administer an oral paste to *Snippety Bobbins* which was engaged to take part in race 3 at Bingara on that afternoon.


About 08:40am, Racing NSW Investigators observed Mr Brett Cross administer a further oral paste to *Snippety Bobbins*. At this time, Mr Leon Cross stood next to *Snippety Bobbins* as the medication was administered.

About 10:00am, Racing NSW Investigators entered the registered stable address and conducted an inspection. Officials seized an oral paste medication (Tuffrock), examined treatment records and obtained relevant photographs.

At 10:52am, Racing NSW Stewards ordered the scratching of *Golden River Gift* and *Snippety Bobbins* which were engaged in races 1 and 3, respectively, at Bingara.

On 24 August 2024, Stewards issued a charge against Mr Leon Cross under AR249(1)(b) and on 27 August 2024 enacted the provisions of AR23, suspending Mr Cross' Trainer's licence, pending the hearing and determination of the charge. Stewards also issued a charge against Mr Brett Cross under AR249(1)(a).

On 6 September 2024, Racing NSW Stewards opened an inquiry into these matters. A brief of evidence compiled by Racing NSW Investigators was tendered and oral evidence was taken from Mr Leon Cross, Racing NSW Investigator Ben Lavorato and Racing NSW Official Veterinarian Dr Rose Bensley. Mr Brett Cross did not attend when directed to do so.



Stewards considered the evidence and subsequently issued a further five charges against Mr Leon Cross.

Mr Leon Cross entered pleas of guilty to all five charges and penalties were issued.

On 6 September 2024, Racing NSW Stewards issued a further 3 charges against Mr Brett Cross. The inquiry was adjourned to provide Mr Brett Cross the opportunity to attend the hearing and give evidence.

Racing NSW Stewards today conducted a hearing to determine the charges issued against Mr Brett Cross who was in attendance.

Charges issued against Mr Leon Cross

Charge 1: AR249(1)(b)

The details of the charge being that at 08:19am on the 24 August 2024, he did, without the permission of the Stewards, cause the oral administration of the medication Tuffrock by Mr Brett Cross to *Snippety Bobbins* on race day prior to the commencement of Race 3, the Maiden Handicap at Bingara, where it was engaged to race.

Plea: Guilty

Finding: Guilty

Charge 2: AR249(1)(b)

The details of the charge being that at 08:40am on the 24 August 2024, he did, without the permission of the Stewards, cause the oral administration of the medication TuffRock by Mr Brett Cross to *Snippety Bobbins* on race day prior to the commencement of Race 3, the Maiden Handicap at Bingara, where it was engaged to race.

Plea: Guilty

Finding: Guilty

Charge 3: LR80(A)(2)

The details of the charge being that at 08:45am on the 23 August 2024 and 07:47am on 24 August 2024, he was a party to registered owner Mr Brett Cross leading a horse while driving a motor vehicle on a public road and/or thoroughfare.

Plea: Guilty

Finding: Guilty

Charge 4: LR80(A)

The details of the charge being that at 08:31am on the 23 August 2024 and 08:01am on 24 August 2024, he did lead a horse while driving a motor vehicle on a public road and/or thoroughfare.

Plea: Guilty
Finding: Guilty

Charge 5: LR82(3)

The details of the charge being that between 21 August 2024 and 24 August 2024, he did employ Mr Brett Cross as a stable hand when not duly registered.

Plea: Guilty
Finding: Guilty

Penalty

The following penalty considerations were taken into account –

- Guilty pleas were entered at the earliest opportunity
- Objective seriousness of the breaches
- Precedent penalties
- Personal and professional circumstances
- Principles of specific and general deterrence and what message is sent to the industry in respect to such conduct
- The importance of equine welfare for the thoroughbred racing industry prior to, during racing and on retirement
- The purpose of issuing penalties as a protective measure for the image, interests and welfare of the thoroughbred racing industry

Charge 1: AR249(1)(b) – 15 months disqualification reduced to 12 months

Charge 2: AR249(1)(b) – 15 months disqualification reduced to 12 months (to be served wholly concurrent with charge 1)


Charge 3: LR80A(2) – 6 months suspension reduced to 5 months

Charge 4: LR80A – 6 months suspension reduced to 5 months (to be served wholly concurrent with charge 3)

Charge 5: LR82(3) – 3 months suspension reduced to 2 months

Having regard to the principles of totality of penalty, in addition to the orders in respect of concurrency for charges 1 & 2 and 3 & 4 as set out above, the Stewards ruled that the total period of suspension is 7 months, which is to be served cumulatively to the period of 12 months disqualification.

Stewards ruled that the total penalty imposed upon Mr Cross is that he be disqualified for a period of 12 months to commence on 27 August 2024, being the date Mr Cross' licence was suspended under the provisions of AR23, and to expire on 27 August 2025 at which time his



license is then suspended for a period of 7 months therefore expiring at midnight on 27 March 2026 at which time he may reapply for a licence.

Charges issued against Mr Brett Cross

Charge 1: AR249(1)(a)

The details of the charge being that at 08:19am on the 24 August 2024, he did, without the permission of the Stewards, administer orally the medication TuffRock to *Snippety Bobbins* on race day prior to the commencement of Race 3, the Maiden Handicap at Bingara, where it was engaged to race.

Plea: Guilty

Finding: Guilty

Charge 2: AR249(1)(a)

The details of the charge being that at 08:40am on the 24 August 2024, he did without the permission of the Stewards, administer orally the medication TuffRock to *Snippety Bobbins* on race day prior to the commencement of Race 3, the Maiden Handicap at Bingara, where it was engaged to race.

Plea: Not Guilty

Finding: Guilty

Charge 3: LR80A

The details of the charge being that at 08:45am on the 23 August 2024 and 07:47am on 24 August 2024, he did lead a horse while driving a motor vehicle on a public road and/or thoroughfare.

Plea: Guilty

Finding: Guilty

Charge 4: AR232(h)

The details of the charge being that on the 6 September 2024, he did fail to attend an inquiry when directed to do so.

Charge withdrawn by Stewards

Penalty

The following penalty considerations were taken into account –

- Objective seriousness of the breaches
- The aggravating feature of him having undertaken the duties of a stablehand, including the administration of medication, when knowingly unlicensed, having been refused a stablehand licence by Racing NSW on 7 June 2024
- Precedent penalties
- Personal and professional circumstances
- Principles of specific and general deterrence and what message is sent to the industry in respect to such conduct
- The importance of equine welfare for the thoroughbred racing industry prior to, during racing and on retirement
- The purpose of issuing penalties as a protective measure for the image, interests and welfare of the thoroughbred racing industry

Charge 1: AR249(1)(a) – 15 months disqualification

Charge 2: AR249(1)(a) – 15 months disqualification (to be served wholly concurrent with charge 1)

Charge 3: LR80A – 3 months disqualification

Having regard to the principles of totality of penalty, in addition to the orders in respect of concurrency for charges 1 & 2, as set out above, Stewards ruled that the total penalty imposed upon Mr Brett Cross is that he be disqualified for a period of 18 months to commence on 9 September 2024 and to expire on 9 March 2026.

Both parties were advised of their appeal rights.

Relevant Rules:

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.

LR 80A *(1) A person must not, whilst driving a motor vehicle on a registered racecourse, public thoroughfare or grounds associated with a registered racecourse lead a horse from a motor vehicle in any manner including, but not limited to, by tethering a horse either behind or to the side of a motor vehicle or the use of any apparatus being towed by a motor vehicle;*

(2) Any person who breaches this rule, or is a party to breaching this rule, commits an offence and may be penalised.

LR 82. *(1) Every person holding a trainer's licence or permit to train or a racing employee*

contractor licence from Racing NSW must on or before 1st November each year apply to Racing NSW to register every person employed by him or her or assisting him or her in connection with the training or care of racehorses (in this rule referred to as an "employee"). Any such registration, except as hereinafter provided, remains in force until the 31st day of October in the following year.

(3) No employee unless duly registered may be employed by a trainer. This requirement also applies to stablehands transferring from another trainer.

AR 232 Failure to observe processes and directions of PRAs or Stewards

A person must not:

(h) refuse or fail to attend or give evidence at an interview, investigation, inquiry, hearing or appeal when directed or requested to do so by a PRA, the Stewards or a person authorised by a PRA or the Stewards;

AR23 Suspension pending the hearing and determination of a charge

Without limiting any other rules or Stewards' powers, if a person has been charged with a breach of the Rules or with the commission of an indictable criminal offence, and if the Stewards are of the opinion that the continued participation of that person in racing might pose an unacceptable risk of prejudicing the image, interests, integrity or welfare of racing, the Stewards may pending the hearing and determination of the charge:

(a) suspend any license, registration, right or privilege, granted to that person under these Australian Rules.

D R Hadley
General Manager – Investigations
Racing NSW