

**RACING NEW SOUTH WALES APPEAL PANEL**

**IN THE MATTERS OF LICENSED TRAINER STEPHEN JONES AND  
LICENSED FOREPERSON TRACY RODGER**

**SUBSTANTIVE APPEAL IN RESPECT OF ALLEGED BREACHES OF AR249 (1)(b)  
AR254(1)(b) AR 254(1)(c)**

Appeal Panel: Mr L V Gyles SC – Convenor and Acting Principal Member  
Mr J Murphy, Mr C Tuck

Appearances: Stewards: O Jones, Barrister  
Appellant Rodger: J Bryant, solicitor  
Appellant Jones: M Barnes, Barrister

Date of Hearing: 29 May 2024

Date of Reasons: 20 June 2024

**REASONS FOR DECISION**

**The Charges**

1. Licensed Trainer Stephen Jones (“the First Appellant”) was on 22 April 2024 found guilty by the Stewards in respect of 21 charges, disqualified for 3.5 years and fined \$7,500. The charges primarily related to the administration of medication to horses on race day between August and November 2022, as well as failures to keep proper records and possession of injectable products containing cobalt salts. The First Appellant pleaded guilty to four of the charges, and not guilty to the balance. His appeal is brought in relation to the findings of guilt in respect of charges where pleas of not guilty were entered, and against severity in respect of all charges.

2. Licensed Foreperson Tracy Rodger (“the Second Appellant”) was on 22 April 2024 found guilty of one charge of injecting or attempting to inject a horse with Diurex on race day and the Second Appellant also pleaded guilty to a second charge of administering a product containing cobalt salts. A \$1,000 fine imposed in respect of the latter was wholly suspended, and a penalty being a 10 month disqualification was imposed in relation to the former. The Second Appellant contests guilt and severity in relation to the charges for which she was found guilty.
3. At the initial Stewards Inquiry on 1 August 2023 evidence was taken from the First and Second Appellant, who were each represented by Paul O’Sullivan, solicitor. They were subsequently represented by Mr Bryant, who appears for the Second Appellant on the Appeal. The First Appellant is represented on the Appeal by Mr Barnes of Counsel.
4. The Panel will in the circumstances hear both Appeals together, and evidence in one will be evidence in the other. Penalty will be dealt with after judgment is handed down on breach.

### **Summary**

5. We are satisfied that whilst David Kelly was employed during the relevant period as the stable foreman at the First Appellant’s stable, Stephen Jones Racing, there was a practice or operating procedure whereby horses with a propensity to bleed were injected with a diuretic.
6. During that time, there were two IV diuretics which were kept and available at the stable, being Lasix and Diurex. Only two persons at the Stable were experienced and able to administer these diuretics by IV, being Mr Kelly and the Second Appellant. On the basis of the whole of the evidence, we find that this practice not only took place during mid-week gallops but also extended to injecting horses on race days, before the horses left the Stables and a few hours before they raced. The diuretic used on race day was Diurex, which was harder to detect. The diuretic was administered by either Mr Kelly or the Second

Appellant, and when each of them did so, we find, this occurred at the direction and with the authority and knowledge of the First Appellant.

7. We do not accept the First Appellant's denial of that, and find the charges to have been made out, to our comfortable satisfaction.

#### Diurex

8. Despite initially denying its use, both the First and Second Appellant now accept that Diurex was on hand at the stables, and was administered to horses who were prone to bleed. Such horses could be treated in three ways:
  - a. by injection of Diurex;
  - b. by injection of Lasix;
  - c. by application of Furosemide.
9. The evidence of Mr Jones was that Diurex was not as strong as Lasix and would cause less dehydration. Importantly he agreed that Diurex would be less likely to be detectable if administered, whereas Lasix would be. It would follow that if one wanted to use a diuretic on race day (when a horse may be tested), without it being detected, Diurex would be the preferred option.
10. On the basis that it was known at the relevant time that taking a diuretic reduces the chances of a horse bleeding after galloping, we will proceed on the basis that there would have been an incentive for a diuretic to also be used on race day as it would have reduced the chances of a bleed, and the serious consequences which follow on from that.
11. There was no issue between the parties that it was a breach of AR249(1)(b) and AR254(1)(b) / (c)(i) if the Appellants caused Diurex to be administered to a horse on race day, or to inject or attempt to inject a horse with it on race day.

#### **The Investigation & Stewards Determination**

12. The catalyst for the Racing NSW Investigation were interviews conducted with Mr Kelly on 2 and 5 January 2023, after which the Racing NSW Integrity

Department commenced an investigation into the stable practices of the First Appellant.

13. Interviews were conducted on 27 June 2023 with the First and Second Appellants, Olivia Fitton and Lisa Fitton. On 28 June a further interview was conducted with Lisa Fitton and Ms Cheonju Park.
14. On 28 June 2023 a charge was issued against the First and Second Appellants and Mr Kelly in respect of an alleged race day treatment of Inferno Miss prior to that horse racing at Taree on 14 October 2022.
15. On 1 August 2023 Stewards opened an inquiry into the alleged race day treatment of certain horses trained by the First Appellant that had a history of bleeding, such alleged race day treatments with the medication Diurex occurring between August 2022 and December 2022. During the inquiry evidence was taken from the First and Second Appellants, Mr Kelly, Ms L & O Fitton and Racing NSW official veterinarian and welfare officer Dr Rose Bensley. Subsequent evidence was taken from Ms C Hudson, partner of Mr Kelly, Ms Park and licensed stable hand Mr Rod Tabor.
16. On 19 January 2024 Stewards issued a number of further charges against the First and Second Appellants and Mr Kelly, as well as Ms O Fitton.
17. On 27 February 2024 Stewards reconvened to hear those charges and on 1 March 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.
18. On 13 March 2024 the inquiry was continued to allow for this evidence to be entered and tested, and on 5 April 2024 Stewards handed down their determination in respect of the charges against the First and Second Appellant to which they had pleaded not guilty.
19. The charges, the pleas entered and the Stewards determination are set out in the attached document, together with the penalty imposed by the Stewards.

20. The First Appellant was subject to 21 charges and pleaded guilty in respect of 4 of them concerning the keeping of treatment records, possession of medication / substance / preparation in breach of legislation, possessing of injectable products containing cobalt salts and administration of cobalt salt by injection. The balance of the charges concerned the First Appellant causing Diurex to be administered by intravenous injection to Inferno Miss on race day prior to her racing at Taree on 26 August 2022, at Tamworth on 12 September 2022, at Muswellbrook on 3 October 2022, at Taree on 14 October 2022, at Muswellbrook on 30 October 2022 and at Tamworth on 29 November 2022. In addition, the First Appellant was charged with causing Diurex to be administered to Oh No Bro on race day on 30 September 2022 at Dubbo and on 7 November 2022 at Scone. The Stewards found the First Appellant guilty in respect of each of these charges and, in combination with the charges in respect of which pleas of guilty had been entered, the Stewards imposed a penalty on the First Appellant of 3.5 years together with a fine of \$7,500.
21. The charges against the Second Appellant are also set out in a document attached to these reasons but in short Ms Rodger pleaded guilty to administering cobalt salts to a horse by injection on 8 occasions between 31 August 2022 and 28 April 2023, and was in addition found guilty of injecting or attempting to inject Inferno Miss with Diurex on race day on 14 October 2022 before her race at Taree.
22. The Stewards imposed a 10 month period of disqualification on the Second Appellant.
23. Mr Kelly had pleaded guilty to a number of charges which in effect mirrored the various charges against the First Appellant relating to the administration of Diurex to Inferno Miss and Oh No Bro on race day on the same occasions as are the subject of the charges against the First Appellant. Mr Kelly received a penalty comprising disqualification for a period of 18 months. The Stewards took into account his early guilty plea and his assistance and co-operation with Racing NSW officials in determining a penalty of that length.

## The Appeal

24. On 22 April 2023 the First and Second Appellants lodged Notices of Appeal in respect of the Stewards Determination, both in relation to the findings of guilt and against the severity of the penalty imposed. The Stewards orders were stayed pending the determination of the Appeal which was initially fixed to be heard on 10 May 2024.
25. The stay was subject to the First Appellant keeping treatment records and submitting the same to the Stewards each week, signed off by a veterinary surgeon.
26. On 7 May 2024 the First Appellant applied to vacate the hearing on 10 May and provided a medical report from Dr Mohammed Abdul-Fattah in which the doctor stated that the First Appellant had been recently diagnosed with a serious illness and that, in his opinion, the First Appellant was not medically fit to attend the proceedings. On the basis of that report the Stewards did not contest the application to vacate and the proceedings were ultimately adjourned and fixed for hearing on 30 May 2024.
27. During the hearing the Stewards tendered evidence being footage of the First Appellant being at the races on that day on which he trained a winning treble. It was obvious during the course of TV interviews with him that the First Appellant was perfectly fit to attend the proceedings on that day and to participate fully in them. He asserted during his evidence that there had been a scan booked on 10 May which was subsequently cancelled and that this was his explanation for not attending the hearing. No documentary evidence was provided supporting that, however if it was correct, one might wonder why this was not raised when the case was fixed for hearing on that day, or if booked after that, why the date was accepted.
28. In any event, Dr Abdul-Fattah did not say that Mr Jones had a scan on the day of the hearing, rather he said that he was not medically fit to attend the proceedings. The fact that the First Appellant chose to go to the races on the day that he was

supposed to be appearing at a hearing at Racing NSW is singularly unimpressive and behoves a disrespect for this Tribunal: it does sit well in terms of his credit.

29. In any event, the hearing took place on 30 May 2024. The evidence comprised an Appeal book which included a number of transcripts of the investigation and the hearing before the Stewards. The Appeal book also included a number of contemporaneous documents by way of treatment records and the like. In addition, three witnesses gave evidence, Ms Casey Hudson and Mr Kelly by AVL, and the First Appellant in person. The Second Appellant was present at the hearing but did not give evidence.
30. The evidence of Mr Kelly was given in a clear and forthright manner and despite being challenged by Mr Barnes, he stood by his story and there was nothing about his demeanour which cast doubt upon that. He was an impressive witness.
31. The First Appellant was not as impressive when dealing with the circumstances of the adjournment of the earlier hearing but also did not waiver from his denial of knowledge of any race day use of Diurex on the two horses. He did however assert that he had no knowledge of any of the records kept at the stable and had no role in that. This may be a convenient excuse and whilst one might accept that it was not his primary role and responsibility, one would expect that he would have at least a basic knowledge of such matters. His role as the trainer responsible for the operation of the Stables would require that he did. In any event, he made no admissions whilst giving evidence and maintained his position.
32. The hearing is a hearing de novo and it is incumbent upon the Tribunal to assess the evidence itself and come to its own view as to whether or not the elements of the relevant charges have been made out. It is accepted by Mr Jones who appears on behalf of the Stewards that given the serious nature of the charges and the serious potential consequences, that the standard of proof will be at a higher level as a result and the Tribunal would need to be comfortably satisfied that the findings which are sought should be made (*Briginshaw v Briginshaw* (1938) 60 CLR 336).

## The Stewards Case

33. The Stewards Submissions are set out in a written submission dated 29 May 2024 which was supplemented orally at the hearing. There are essentially two elements to the case the Stewards bring against the First Appellant. First, they seek to establish that the two racehorses were injected with Diurex on race day by Mr Kelly, and second that he did so pursuant to an instruction given to him by the First Appellant.
34. In relation to the first matter, the Stewards rely upon the admissions made by Mr Kelly in his interviews that he did inject the horses on those days with Diurex.
35. Second they rely upon the admission made by the Second Appellant on 27 June 2023 where she said that Mr Kelly had administered Diurex to Inferno Miss on 14 October and that she was holding the horse. The Second Appellant subsequently retracted that evidence saying that she was extremely angry with Mr Kelly at the time and said it to get at him rather than it being the truth. There was obviously a serious falling out at the time between the Second Appellant and Mr Kelly and for that reason we placed little weight on her admission which in any event is inconsistent with the evidence of Mr Kelly himself where he said that he was unable to administer the Diurex on that day.
36. The Stewards also rely upon the evidence of Olivia Fitton given on 27 January 2023 where she says that she held Inferno Miss on two or three occasions whilst Mr Kelly administered injections to it on race days, and this would occur every time he went to the races. That evidence is significant in that it does corroborate independently the evidence given by Mr Kelly. Like Ms Rodger, Ms Fitton subsequently sought to retract this evidence and gave an explanation that she didn't tell the truth because she wanted to get into trouble with the First and Second Appellant and be sacked from her job. This is a very unlikely explanation when she could simply have given notice to leave her job without this elaborate plan. Further, it is inconsistent with evidence given by her mother that the reasons that she gave false evidence to the Stewards was because of her boyfriend. For our part, we are persuaded that the evidence she originally gave



was more likely to be the truth and that her subsequent retraction was contrived and was intended to benefit the First and Second Appellant.

37. The Stewards next rely upon the fact that there was Diurex available in the stable which could be used on race day. This matter is not contested by the first and second appellant and hence we find that there was Diurex available to Mr Kelly at the times that he said he did inject the horses on the relevant days.
38. The final evidence which the Stewards rely upon are the invoices and Prism records which were produced by the First and Second Appellant which indicate that the owners of the two horses in question were invoiced for the use of Diurex, and by reference to a day, or period of days, which included the race days in question. In relation to the invoices themselves, we accept the submissions of the Stewards that where there is reference to “procedure – bleeding supplement” that this is a reference to Diurex. This is consistent with the accompanying Prism records in respect of some of the entries and is also consistent with the price that the owners were being charged. The other two possible bleeding treatments being Lasix and Furosemide are separately identified in the invoices by name and we hence find that the bleeding supplement must have been Diurex.
39. The Stewards also say that a series of text messages between Mr Jones and the First Appellant in relation to a different horse goes against his credit generally and indicates that he was aware that horses were being “needled” on race day, and did not object to Mr Kelly doing so. It is apparent from those text messages that it was intended that the horse would be “needled” prior to leaving for the races and Mr Kelly was telling the First Appellant that Tracy wouldn’t be able to organise someone else to do it so he would stick around and do the needle although he wasn’t himself going to the races later that day. The First Appellant responded “Its ok mate. She is pissing me off. She has got to leave it to you.” This evidence does not sit well with the First Appellant’s denial of knowledge of “needling” of horses on race day. He had the opportunity when giving evidence at the hearing to explain himself in this respect but did not do so.
40. The Stewards therefore say that we should prefer to the evidence of Mr Kelly to that of the First Appellant, particularly having regard to the corroborating

evidence identified above to first find that the relevant horses were administered with Diurex on the relevant race days and further that Mr Kelly did so at the instruction of Mr Jones. Pausing there, if one finds that Mr Kelly did so, it is perhaps improbable that he would have done so without the knowledge and approval of his boss. In this regard the First Appellant accepted when he gave evidence that his employees were not authorised to administer any drugs to any horse without his approval and that by doing so his employee would have been in breach of his employment obligations. This supports the fact that it is improbable that an employee in the position Mr Kelly would have chosen to do this off his own bat and therefore risked his job, seemingly for no personal benefit.

41. The First Appellants submissions are set out in writing in an outline dated 24 May 2024 which was supplemented orally by Mr Barnes at the hearing. The First Appellant submits that he has been a licensed person for approximately 50 years as a jockey and trainer and has an essentially clean record in respect of any serious misconduct over the whole period. It was also contended that it would be unlikely that he would have risked his livelihood for the modest prize money which was available for the races in question.
42. In relation to the issue as to proof of the administration of Diurex to the relevant horses on race day the First Appellant submits that there is no physical evidence that the drug was administered and submits that the horses “would have been” inspected by a vet and the stewards at the track who would have been able to observe puncture marks on the neck of the horses.
43. Whilst we accept that there is no physical evidence of the administration of the drugs, we do not accept that these horses were in fact inspected by a vet or by the Stewards at the track and the First Appellant has not proved that this occurred. In any event, there is no independent expert evidence to say that if Diurex was administered to a horse some hours before a race there would necessarily have been puncture marks observable on the neck of the horse when it was subsequently at the races. Whilst we accept that this is possible, there is no evidence that it was inevitable, or even probable. We therefore do not place

much weight on the fact that there are no reports of any vet or steward identifying puncture marks on the relevant horses on these days in terms of whether to accept that the Diurex had been administered in the way that Mr Kelly says that it was.

44. In relation to the corroborating treatment records, the First Appellant did not provide any convincing submission to say that the bleeding supplement referred to in the invoices was not Diurex and we find that it was. Further, in respect to dates, the First Appellant says that one should not read much into the dates which are identified in the invoices because that was more likely to relate to the day in which the invoice was prepared as compared to the date upon which the Diurex was administered. That is, the First Appellant accepts that Diurex was used during gallops and that it just may have been invoiced on race day. Whilst we accept that this is possible, we do place some weight on the coincidence between the dates on the invoices, or some of them, and the days upon which these horses raced. That would not of itself prove that the Diurex was administered on that day but is evidence which when taken with other evidence can be used to support such a finding.
45. The main point which the First Appellant makes in response to the Stewards case is that he says that the evidence of Mr Kelly in terms of the alleged instruction given to him by the First Appellant is vague, inconsistent, is challenged by a number of lay witnesses, and was motivated by hostility and jealousy towards Mr Jones and hence should not be accepted, particularly to a *Briginshaw* standard. The point is made that it is well after the event and that care must be taken in making findings which are not corroborated by contemporaneous documents along the lines of the decision in *Watson v Foxman*, where a warning is given in respect of fact finding well after the event without contemporaneous corroboration.
46. The First Appellant contends that the only evidence of an instruction being given was in these terms "Don't forget the blood shot". It is said that this may well have been a direction concerning the use of Diurex during gallops as compared to on race day. Further it says that Mr Kelly gave inconsistent evidence and that he

initially said that he was told this in the morning at track work [AB86.973] but subsequently that he was told in the afternoons at the stable [AB303; 369; 373]. It is not however clear that the two answers are mutually exclusive and Mr Kelly quite frankly accepted that his memory of the specifics was not good but he maintained in his evidence before us that the instructions were given on a number of occasions and it was made clear to him that the direction to give the blood shot was not only for the purpose of gallops, but rather that it was also to be done on race day.

47. The First Appellant also pointed to Mr Kelly having accepted that his initial evidence was incorrect where he said that a vet Mr Vic Griffins had instructed him how to treat horses with Diurex (which was denied by Mr Griffins) and was received by Messenger.
48. Whilst consistency can be a consideration in terms of the veracity of evidence, some vagueness or inconsistency is not unexpected and does not necessarily prove that the witness is not telling the truth. In other words, even if we accepted that there were some inconsistencies in Mr Kelly's evidence, we may nevertheless accept the key component of his evidence being that the First Appellant had instructed him to inject these two horses on race day, on a number of occasions, and that he acted accordingly, particularly if the objective probabilities support that.
49. In any event, we accept that there was some inconsistency in Mr Kelly's evidence and that this should be taken into account in considering whether to accept his evidence.
50. In addition, the First Appellant points out that Ms Fitton, Mr Taber and others who have been identified by Mr Kelly as having held the horses whilst he administered the Diurex on race day all deny that this occurred. Again this is a fact which is potentially relevant and which we do take into account, however, those persons were at the relevant time employees of the First Appellant and might be seen as being "in his camp" and one should take that evidence in that light particularly in circumstances where those witnesses were not before us.

Nevertheless we accept that it is something which would balance in favour of the First Appellant on the critical factual question.

51. The First Appellant also sought to submit that Mr Kelly was otherwise of poor character, but we do not find this established by the evidence.

### **Consideration**

52. Having taken into account the submissions on behalf of both the Stewards and the First Appellant, and all of the evidence, we are able to find, to an appropriate level of satisfaction having regard to the seriousness of the allegations made, that the elements of the charges against each of the Appellants have been made out.
53. We prefer the evidence of Mr Kelly over that of the First Appellant for a number of reasons. First he gave evidence in an impressive manner. Second, his explanation for “blowing the whistle” on the First and Second Appellant, namely that he had been bad mouthed by them and if he was going down that he would “take them down with him” is equally consistent with fabricating evidence as with telling the Stewards something which was incriminating but true. In other words, his anger and desire for retribution was equally met by either of the steps. If one was fabricating evidence to seek to bring such retribution, it also might be expected to have been done in a simpler way, for example why wouldn’t Mr Kelly if he was making things up have said that the First Appellant had seen him administer the Diurex – by contrast Mr Kelly accepted the First Appellant had not ever seen him do it.
54. The admissions made by Mr Kelly were also against interest, meaning that he himself was charged. This supports their veracity. We note also that it is significant that Mr Kelly’s version is corroborated by Ms Fitton’s initial evidence which we have found was likely to have been truthful, and is generally supported by the invoices.
55. Also counting against accepting the First Appellant’s version, and against his credit, are the circumstances of the adjournment of the 10 May hearing (although we would have arrived at the same finding without that), the text messages

concerning the needling of another horse on race day, his initial evidence that Diurex was not being used in the stable, and the absence of reference to Diurex in any of the treatment records which were kept at the stable. This would allow an inference to be drawn that the First Appellant did not want it to be known that Diurex was being used in the Stable, and that was because it was being used on race day. The fact that Diurex was not detectable is also supportive of the likelihood of it being used on race day as compared to Lasix.

56. Whilst we note the submission that the First Appellant would not have risked his likelihood for this modest prize money, he may have believed the risk of detection to be extremely low. As events happened, it was only through the evidence of Mr Kelly that the conduct did become known. There was also an on-going financial benefit to the trainer in the horse not bleeding and staying in work.
57. In the circumstances, and having regard to all of the above, we are comfortably satisfied that there was a practice at these stables at the relevant time, known, directed and approved by the First Appellant, that horses which were prone to bleed would receive IV injections of Diurex a few hours before they raced. We therefore find that the Stewards have made out each of the elements of the charges to which the First Appellant pleaded not guilty.

### **The Second Appellant**

58. Concerning the injection or attempted injection of Diurex to Inferno Miss on 14 October 2022, whilst there is no evidence of any person observing the Second Appellant injecting or attempting to inject Inferno Miss with Diurex on that day, the Stewards seek an inference to be drawn from the fact that Mr Kelly's partner Casey Hudson saw Ms Rodger with a needle and then saw an empty syringe being thrown by her into the bin. The Stewards also point to an invoice which included a charge for a bleeding supplement which included the date 14 October 2022.
59. The Second Appellant points to difficulties in inconsistencies with the evidence of Casey Hudson such as her accepting that she might be mistaken about the date, and uncertainty as to whether the horse was transported in a float or truck.

There was also an issue as to whether she had a clean line of sight into the stall, and she says that it is inherently unlikely that Ms Rodger would have disposed of a needle by throwing it into an ordinary bin at the stables as compared to using the sharps container which one would expect would be used when needles were disposed of.

60. We see some force in those points, but ultimately we prefer the following objective reasoning, which is consistent with Ms Fitton's corroborating evidence:
- a) There was a practice that horses from the stable which bled including Inferno Miss were given Diurex on Raceday;
  - b) Olivia Fitton initially gave evidence of this, including that Ms Rodger had done it once (AB 537-538);
  - c) Ms Rodger admitted that she had been administering IV treatments for 40 years and that at that time in the stable, only she and Mr Kelly were able to inject horses;
  - d) Olivia Fitton initially said that Inferno Miss was being needled on race day, was playing up and was difficult to inject, which corroborated Mr Kelly's evidence;
  - e) It was not disputed that Ms Rodger was there that morning, and if Mr Kelly was not able to inject the horse, then the only other person who could was Ms Rodger;
  - f) This was therefore on the probabilities the one time that Olivia Fitton remember Ms Rodger doing it;
  - g) The invoices are consistent with Inferno Miss being needled on that day;
  - h) When Ms Rodger denied this practice on 1/8/23, we find that she was lying and was trying to protect herself and Mr Jones;
  - i) We prefer the evidence of Mr Kelly over Ms Rodger and find that she did attempt to inject Inferno Miss after Mr Kelly had not been able to.

61. In the circumstances we find that the Stewards have made out to a sufficient standard of proof case that the Second Appellant was guilty in respect of that offence.

### **Result**

62. We find the First Appellant guilty of charges 1-6, 9-16 and 19, and the Second Appellant guilty of charge 1. We invite submissions on sanction by the Appellants within 14 days, as well as the form of any orders or other relief sought, and the Stewards to reply 14 days later. Unless application is made and leave is given, we propose to deal with sanction without an oral hearing.
63. The stay of the Stewards orders is lifted forthwith, although we note that we are prepared to defer the commencement of the disqualification period for seven (7) days from the date of these reasons pursuant to AR283 (7)&(8).



L.V.Gyles SC

Acting Presiding Member

20 June 2024



## **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**

## **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**