



"You are charged under Rule 178 with having presented PROUD COSSACK at Pinjarra racecourse on the 2nd of the 12th, 1992 to race in the Better Health Handicap First Division which had had administered to it, the prohibited substance phenylbutazone with its metabolite oxyphenbutazone being detected in the post-race sample."

It is the unanimous decision of the Tribunal that upon consideration of the detailed submission made to us we conclude that the levels of substance detected are irrelevant to the Stewards' findings. While it is true that decisions of racing authorities and appeal tribunals in other states are not necessarily binding on us, in all circumstances, decided cases are persuasive. We do not find any reason to depart from the applied wisdom of these authorities. We dismiss the appeal, and confirm the determinations of the Stewards.

In view of the matter submitted to us we consider that the appellant deserves a measure of sympathy. However, that measure is tempered by the thought that the horse was presented for racing too soon after treatment for its various ills. We therefore reduce the one penalty from twelve months to six months and we do not disturb the six month disqualification, which is concurrent, These penalties run from the 29th January, which takes care of the period already served and takes account of the fact that no stay was granted.

The fee which was paid on the lodgement of the appeal will not be refunded.



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JOHN SYME, A/CHAIRMAN