

# Media Release

## Racing Appeals & Disciplinary Board

Result of a hearing held before the HRV Racing Appeals and Disciplinary Board on 9 January 2017.

### **Zeke Slater – Disqualified Person**

Charge 1 – Rule 259(1)(a) & (g) – Associating with trainer Kimberley Barr for purposes related to the harness racing industry and entered the registered training premises of Ms Barr on 19 October 2016.

#### **Guilty plea**

**6 Month period of disqualification imposed to be served cumulatively to current periods of disqualification.**

**Total periods of disqualification to expire on 14 August 2018.**

### **Kimberley Barr – Licensed Trainer**

Charge 1 – Rule 230 – Associating with disqualified person Zeke Slater for purposes related to the harness racing industry and allowing him to enter her registered training premises on 19 October 2016.

#### **Guilty plea**

**\$2,000 fine imposed with \$1,500 of that penalty suspended for a period of 2 years.**

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# **TRANSCRIPT OF PROCEEDINGS**

## **RACING AND DISCIPLINARY BOARD**

**MR ANTHONY BURNS, Chairman**

**MR JOHN DENAHY**

## **EXTRACT OF PROCEEDINGS**

**KYMBERLEY BARR**

**ZEKE SLATER**

## **DECISION**

**MONDAY 9 JANUARY 2016**

**MR B DAY appeared on behalf of the HRV Stewards**

**MS BARR AND MR SLATER appeared on their own behalf (via telephone)**

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Ms Barr pleaded guilty to a breach of Rule 230 in that she associated with Zeke Slater, a disqualified person, for the purposes of harness racing. She and Mr Slater are de facto partners so an association is of course allowed. However, she must not involve him in matters associated with the harness racing industry. To have him convey an empty horse float to a licensed training facility was a request in furtherance of harness racing logistics and we find the appropriate penalty is a fine of \$2000 with \$1500 of that amount wholly suspended for 2 years. This amount is less than was submitted by the Stewards but given her co-operation, her relative inexperience, her guilty plea and the financial hardship which is evident we find it is the appropriate amount.

As for Mr Slater he is a person currently disqualified until 14 February 2018. Australian Rule of Harness Racing 259A came into existence in Victoria in December 2015. It states "in addition to any penalty imposed pursuant to Rule 259(7) the original period of disqualification shall unless otherwise ordered by the stewards, automatically recommence in full".

The Racing Appeals & Disciplinary Board (RADB) is established under section 50B of the Racing Act (1958). The RADB is an independent Board established to hear and determine appeals in relation to decisions made under the rules to impose penalties on persons and to hear and determine charges made against persons for serious offences.

Whilst this rule is in place to ensure the integrity of any disqualification is maintained its strict application may sometimes lead to an unjust result.

Here we note the rule allows for our discretion and we exercise it in favour of Mr Slater given the circumstances suggesting an inadvertent breach rather than anything sinister. Added to that is his guilty plea and we accordingly decline to recommence the disqualification in full.

None the less strict adherence to respecting the disqualification is required and a further disqualification to be served cumulatively is appropriate. Given the guilty plea and the circumstances we order a further disqualification of 6 months. When added to the 21 months currently imposed and commencing on 14 February 2016, a further six months will see his disqualification conclude on 14 August 2018.

The Racing Appeals & Disciplinary Board (RADB) is established under section 50B of the Racing Act (1958). The RADB is an independent Board established to hear and determine appeals in relation to decisions made under the rules to impose penalties on persons and to hear and determine charges made against persons for serious offences.