16 June 2022

**RACING VICTORIA**

**and**

**SHEA EDEN**

**Date of hearing:** 9 May 2022

**Panel:** Judge John Bowman (Chairperson) and Judge Graeme Hicks.

**Appearances:** Mr Albert Dinelli, instructed by Mr Scott Hunter, appeared on behalf of the Stewards.

Mr Damian Sheales appeared on behalf of Mr Eden.

**Charge:** Australian Rule (AR)227(a) states

Without limiting any other powers, a PRA or the Stewards may penalise any person who:

(a) commits any breach of the Rules, or engages in conduct or negligence which has led or could have led to a breach of the Rules;

**Particulars of charge:** 1. You are, and were at all relevant times, a trainer licensed by Racing Victoria.

2. From 21 November 2018 to 14 April 2021, you were the trainer of Bless Her (the Horse).

3. You believed that you owned 50% of the Horse (either alone or together with your wife) from circa 21 November 2018 to circa 14 April 2021, in accordance with an alleged verbal agreement between you and Mr Troy Wilson.

4. Mr Troy Wilson disputes that you (or you and your wife) ever held a 50% share in the Horse.

5. Even though you believed that you (or you and your wife) owned 50% of the Horse during the dates listed in particular 3, and the Horse raced on 11 occasions during those dates, you never sought to register this interest and/or declare this interest with Racing Australia or Racing Victoria.

6. Your failure to act, as described in particular 5, constitutes conduct and/or negligence which could have led to a breach of the Rules of Racing, including:

a. AR 38(1) (which was deleted on 1 May 2021);

b. AR 60(1)(a);

c. AR 62(1);

d. AR 103(4)(c)(i) (which was deleted on 1 May 2021); and/or

e. AR 228(a).

7. Your conduct and/or negligence as described in particular 5, could have led to a breach of the Rules of Racing if it had been established by a Court or Tribunal and/or conceded by Mr Troy Wilson that you (or you and your wife) were 50% owners of the Horse, as believed by you.

**Plea:** Not Guilty

**ORDER**

This appeal was heard by the Victorian Racing Tribunal on 9 May 2022. A Ruling in relation to a preliminary point was handed down on 30 May 2022. The Tribunal found that the charge was flawed and could not succeed on the basis of the material that was presented. On 30 May 2022, the Tribunal ordered that Racing Victoria Stewards provide a written response to the Tribunal in relation to their position on the matter and a directions hearing was set down for Thursday, 9 June 2022.

In an email dated Monday, 6 June 2022 the Racing Victoria Stewards, by joint consent with Mr Damian Sheales, proposed an Order that the appeal be allowed and the charge be dismissed.

The following Order is made by the Tribunal.

1. The Appeal is allowed and the charge dismissed.

The directions hearing listed for Thursday, 9 June 2022 has been vacated.

Mark Howard
Registrar, Victorian Racing Tribunal