28 March 2024

**DECISION**

**RACING VICTORIA**

**and**

**CARLY COOK**

**Date of hearing:** 12 March 2024

**Panel:** Judge John Bowman (Chairperson) and Ms Maree Payne.

**Appearances:** Mr Scott Hunter appeared on behalf of the Stewards.

Ms Carly Cook represented herself.

**Charge:** Australian Rule of Racing (“AR”) 97 states:

**AR 97 Only licensed trainers to train horses.**

1. A person can only train a horse at a registered racecourse, training track or training facility if the person has been issued with a licence or permit to train from the PRA where the horse is being trained.
2. Any person who is party to a breach of subrule (1) may also be penalised.

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

2. Commencing on or about 31 January 2023 and through to on or about 8 September 2023, you allowed licensed jockey, Josh Cartwright, to train the horses, *Pintoff* and *Glass Harmonium x Aurora’s Hot*, at your licensed premises at 110 Whitcombe Road, Drysdale.

3. Mr. Cartwright was not, at all relevant times, licensed to train horses in Victoria (or elsewhere).

4. Your conduct, as outlined in particular 2, was in breach of AR 97(2).

**Plea:** Guilty

**DECISION**

Ms Carly Cook, you have pleaded guilty to a breach of Rule 97(2). Essentially this involved your permitting Mr Josh Cartwright, a person not a licensed trainer, effectively to train two horses, Pintoff and See Through, under your name when he was, for all intents and purposes, the real trainer. In addition to designing programmes for the horses he did virtually all the things which a licensed trainer would do and, at least for a period, was the de facto trainer.

As stated, you have pleaded guilty. You have some misgivings about this, but the fact of the matter is that you have pleaded guilty and the parties have agreed upon a penalty.

Of course, the final decision is always one for the Tribunal, but we do bear in mind an agreement such as this and the wishes of the parties.

You are an up-and-coming trainer with an excellent record. You have put very supportive references before us.

We bear all of this in mind. We also bear in mind the importance of this particular rule and the fact that the general public is entitled to know who it is that a performing the duties of a trainer and accepting the responsibilities.

The parties have agreed that the appropriate penalty is a fine of $10,000, with $5,000 of that in turn suspended for a period of 24 months.

That $5,000 would be activated if you commit another relevant offence during the period of the next 24 months. Particularly bearing in mind your admirable record and the references you have put before us, we are confident that no such breach will occur.

Further, we accept that the agreed penalty is fair and reasonable. As stated, you are fined the sum of $10,000, with $5,000 of that amount suspended for 24 months.

We are confident no such breach will occur.

Mark Howard

Registrar, Victorian Racing Tribunal