

stewards were bound to apply the rule according to its terms. According we gave our attention to penalty.

The stewards carefully set all favourable and unfavourable matters before deciding on penalty. One such factor was that 12 years previously a horse trained by Mr Clarke had a positive swab to the same cortico-steroid administered by Dr Farebrother, though four times stronger, as Kenacort 40 when the recommended withholding period was 5 days.

Quite rightly as Mr Hensler submitted this should not make the penalty greater in the second offence but he was not entitled to the same lenience as may be shown to a first offender.

Mr Clarke has trained a great many horses in the intervening period many of whom have had similar treatment as Neat Feat without breach of the rules. We would give that more significance than the stewards did. At the inquiry Mr Clarke submitted: "Twelve years clean slate is not a bad effort I thought." We agree. For that reason we reduce the fine to \$5000 and ordered the return of the deposit

A handwritten signature in black ink, appearing to read 'Tom Pauling', with a long horizontal line extending from the end of the signature.

Tom Pauling AO QC

