

Appeal decision

Date: 9 December 2013

Code of racing: Thoroughbred

Appeal panel: Judge W Carter (chair), Mr G Casey and Mr N Thomson.

Appearances: Mr P Cullinane, solicitor, appeared on behalf of jockey Alex Lawrence.
Mr I Brown, stipendiary steward, appeared on behalf of the stewards.

Decision being appealed: Six months disqualification – AR81A.

Appeal result: Appeal dismissed.

Extract of proceedings – in the matter of a swab sample taken from jockey Alex Lawrence at trackwork at Mackay on 24 October 2013.

THE CHAIRMAN: On 24 October 2013 at the Mackay race course the appellant, who is a licensed jockey, was riding trackwork and on that morning a urine sample was taken which was subsequently analysed and found positive to amphetamines and methamphetamine. The stewards inquired into the matter and subsequently charged the jockey with the relevant offence. Mr Lawrence, on his own behalf before the stewards, made submissions in respect of penalty. He pleaded guilty, and the substance of his submission was that he had accepted the fact that he had committed a serious breach of the rules, and that, particularly, he would significantly have to reduce income because of his inability to ride and because of the consequences of the disqualification order.

Before us this morning Mr Cullinane has emphasised the points to which I have just referred – the plaintiff's acceptance of his guilt, his cooperation with the stewards, and in particular his relative youth. He is now 23. He was licensed originally in Western Australia and only recently licensed in Queensland. Mr Cullinane drew attention to the fact that the potential consequences for him would be significant. It was also submitted to us that he would be willing to accept conditions which would require that he continue to undergo testing, and that he proposed to consider counselling.

For the stewards it is submitted that the offence is a serious one, and also that the deterrent aspect of such a penalty is of major significance for the racing industry. The consequences of his actions I'm sure are well understood by him.

The Racing Disciplinary Board has a major obligation to the racing industry as a whole in relation to an issue such as this, and we note that the penalty of six months disqualification is not uncommon in respect of such an offence. It is not unlikely that in each of those other cases there were circumstances which might have justified some element of leniency.

However, the fact remains that riding racehorses, either in races or in trackwork, is a dangerous task. We are well aware of that. The question of safety in races and trackwork is paramount. We are also

well aware of the need for there to be suitable deterrents. It is extremely concerning that this is the second case involving the use of amphetamines which we have had to deal with within a week. Only last Monday we dealt with another case involving the use of amphetamines where a similar penalty was imposed.

We have considered all of the relevant material and the helpful submissions which have been made to us, both by Mr Cullinane and Mr Brown. Having considered those matters, we have decided that we should dismiss the appeal.

Accordingly, the order we make is that the appeal be dismissed.

Further right of appeal information: The appellant and the stewards may appeal to the Queensland Civil and Administrative Tribunal (QCAT) within **14 days of the date of this decision**. Information in relation to appeals to QCAT may be obtained by telephone on (07) 3247 3302 or via the Internet at www.qcat.qld.gov.au