

Appeal decision

Date: 22 December 2014

Code of racing: Thoroughbred

Appeal panel: Mr B Miller (chair), Mr P James and Mr D Kays.

Appearances: Mr D Hansen appeared on behalf of apprentice jockey Amy Van Der Sanden.
Mr N Torpey, manager, Integrity Regulatory Unit, appeared on behalf of the stewards.

Decision being appealed: Suspension of licence to ride in races for a period of six months – AR81A(1)(a).

Appeal result: Appeal dismissed.

Extract of proceedings – in the matter of a swab sample taken at the Sunshine Coast Turf Club trackwork on 17 November 2014. Apprentice jockey: Amy Van Der Sanden

THE CHAIRMAN: The appellant, Amy Van Der Sanden, is an apprentice jockey who was the subject of a finding made by stewards during a swab sample that she had a positive to amphetamines and methamphetamines. The issues that have been raised at this appeal and in previous matters have identified that Racing Queensland, and racing in general, takes an extremely dim view of any form of drug, but more particularly methamphetamines, where a jockey is a person in charge of horses and is capable of causing interference or danger or damage to other people, not only herself but also to the horse in question.

The attitude of Racing Queensland has always been to impose a significant penalty either by way of suspension or significant disqualification periods. This board has listened to Mr Hansen's presentation on behalf of Miss Van Der Sanden, and there is no doubt that is something that is a relevant consideration for the board. He has identified that she is remorseful. There is no doubt that she has never questioned her guilt, and the problem that she faces is the issue relative to her being able to return to riding as soon as possible.

Fortunately for her it appears that she is able to undertake work with Mr Hansen as a handler in the endeavours of his stable. The position of the board is that we are not comfortable with appeals being successful where drugs of this nature are concerned. It is not only Racing Queensland's duty but this board as a whole to uphold the parameters of legalities concerning the ingestion of drugs. It is not something that we take leniently. We believe it is an imperative that a period of suspension, and even should I say disqualification, would be appropriate for a circumstance such as this.

Fortunately, the period that Miss Van Der Sanden has left to serve has been somewhat ameliorated by the attitude that the stewards took to her in the initial inquiry. The board sees no reason that it should in any way interfere with the decision imposed by the stewards and the appeal is 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