



INTERNAL REVIEW DECISION
(Internal Review Decision Notice in response to an Application for Internal Review)

| PART 1: Details of Internal Review | |
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| Internal Review Number: | Internal Review 0048-18 |
| Applicant's Name: | Benjamin Currie |
| PART 2: Decision History | |
| Original Decision: | Breach of Rule 175(p) of the Australian Rules of Racing |
| Original Decision Makers: | R Hitchener, J Childs, E Barron, B Cooke |
| Date of Original Decision: | 2 May 2018 |
| Internal Review Decision: | Original decision of charge and penalty confirmed - \$3,000.00 fine |
| Internal Adjudicator: | Mr Kane Ashby, Queensland Racing Integrity Commission |
| Date of Internal Review Decision: | 5 June 2018 |
| PART 3: Summary of Internal Review Application | |
| <p>The Applicant, Mr Benjamin Currie, is a registered licensed trainer within the thoroughbred racing industry in Queensland. The Applicant was charged pursuant to Australian Rule of Racing 175(p) and was subsequently found guilty of the charge at a stewards' inquiry conducted on 2 May 2018.</p> <p>Australian Rule of Racing 175 states "<i>The Principle Racing Authority (or the Stewards exercising powers delegated to them) may penalise:</i></p> <p><i>"(p) Any person who fails or refuses to comply with any order, direction or requirement of the Stewards or any official."</i></p> <p>At the stewards' inquiry conducted on 2 May 2018, the Applicant was charged pursuant to Australian Rule of Racing 175(p) in that the Applicant, as a licensed trainer, did in the opinion of the stewards authorise a number of horses under his care and control to exercise at the Clifford Park Training Centre on the Morning of 30 March 2018, a morning on which that venue was closed, which was a failure to comply with the order issued by Clifford Park Official Mr Blair Odgers as outlined in the Clifford Park Training Centre Training and regulations agreement. The stewards subsequently found the Applicant guilty of the charge.</p> <p>When considering penalty, the stewards took into account the Applicant's disciplinary history in relation to Australian Rule of Racing 175(p), the fact that Mr Currie in allowing his horses to be exercised showed disregard to the rules and regulations of the race club knowing the venue was closed, the fact no safety check had been conducted by designated track work supervisors and the unacceptable risk this posed to both horse and track work rider safety.</p> | |



The stewards subsequently imposed a fine in the amount of \$3,000.00.

The Applicant sought a review of the original charge and penalty on the basis the Applicant had pleaded his innocence from the beginning of the matter, there was insufficient evidence (specifically the lack of photo or video evidence) and that only one witness was able to identify the horses as being trained by the Applicant.

The Applicant provided the following submissions in support of his Application:

"I am wanting an internal review, as I believe I have been treated unfairly and I have not done the actions I have been accused of. I have already pleaded my innocence in this case from the very start and I feel a review is vital to come up with the right decision. There is a complete lack of evidence in this case to find me guilty. There is no photo's, video's or anything that can without reasonable doubt prove I did what I am accused of."

"The decision maker can only provide one witness who wanted to ID my horses as being on the track. I can provide my whole staff from that day to state that we did not work any horses. I feel that in itself is more than enough proof. This "Witness" and I, have had troubles in the past as well. I also don't think he is credible as he has shown complete disregard for the Rules of Racing by training a horse - "Fondue" in a dummy trainers name for the entire time he was in Toowoomba. He also made these allegations after he had moved away to the Sunshine Coast. Clearly a parting shot, with no proof attached. I really think this case comes down to my word against his. A Guy who openly went against QR rules or me, QLD's leading trainer for the last 24 months."

The outcome sought by the Applicant was a complete dismissal of the charge due to no evidence.

PART 4: Reasons for Internal Review Decision

Stewards of the Queensland Racing Integrity Commission commenced an investigation following a report from the Toowoomba Turf Club that several horses allegedly exercised at Clifford Park Race Course on the morning of 30 March 2018 (Good Friday), a morning on which that venue was closed.

The stewards formally interviewed the Applicant, Mr Nick Hahn (trainer), Mr Neville Saunders (trainer), Mr Michael Waddington (trainer), Mr Michael Jeynes (employee of the Toowoomba Turf Club) and Mr Mick Lynch (employee of the Toowoomba Turf Club).

The Applicant was questioned by the stewards "*We've received several reports that your stable went and worked on horses at the Toowoomba Turf Club on Good Friday in spite of the fact that the track was shut. Is that correct?*" to which the Applicant replied "*No, that's not correct.*" The stewards replied "*Okay. So no horses*" to which the Applicant responded "*Not from my stable, no.*" The stewards added "*Okay. As I said, that's the report we received from the Toowoomba Turf Club through their CEO, and information they've received by a number of parties who are prepared to present that evidence to the turf club. So you're strongly denying the fact that any of your horses...*" to which the Applicant replied "*Well, there wasn't when I was there, anyway.*" The stewards further questioned "*Okay. But if any horses were to work, that would have been under your direction, wouldn't it, if they were?*" to which the Applicant replied "*Yep.*"¹

¹ Transcript of Stewards' Interview dated 5 April 2018, page 2 and 3



Mr Nick Hahn in evidence stated he was present at the Toowoomba Track on the subject morning between 4:30am and 6:30am. Mr Hahn stated “*When leaving, Ben Currie asked me if we’d finished with the walker and I said yes and he said - his exact words were, “Fuck it, I’m just going to work a few, who’s going to know.”*” Mr Hahn added “*I had then been told the horses worked from other people.*” The stewards questioned “*Did you think he was taking the Mickey or did you have the sense of - we’re working horses?*” to which Mr Hahn replied “*No, I - No, I knew - I knew Ben would be serious, because Ben’s got no respect for anyone.*”²

Mr Michael Jeynes, part time employee of the Toowoomba Turf Club, in evidence stated “*I received a phone call about horses being worked, I came up early that morning to check the track to see if there was any evidence of horses walking across, because the crossing was dragged the day before. And there was evidence of horses - numerous horses, not just one or two - going out to the trotting track to work. There was no evidence of horses working on the sand or on the cushion track. Just to the trotting track.*” The stewards questioned “*So, were you the person who prepared the tracks the previous afternoon?*” to which Mr Jeynes replied “*Yeah, me and Paul Brennan.*” The stewards questioned “*So they (tracks) were all dragged? So there would have been obvious hoof prints*” to which Mr Jeynes replied “*Yes.*” Mr Jeynes added “*I never seen none working at all, but there was - yeah. There were numerous people that said they saw them working.*” Mr Jeynes further added “*And I heard earlier in the morning from Michael Waddington, who’s no longer in Toowoomba, but he said that he saw horses working in the morning when he was picking his horse out the back, seen them coming down the lane.*”³

Mr Mick Lynch, employee of the Toowoomba Turf Club, in evidence stated “*Well, checking the pool, about 6 o’clock Good Friday I noticed three horses doing track work.*” The stewards questioned “*Are you aware of what track they were on? Were they on the trotting track or the bigger tracks or...*” to which Mr Lynch replied “*No. I couldn’t tell you which ones, yeah.*” The stewards added “*Okay. But it was definite to you that there was three horses exercising*” to which Mr Lynch replied “*There was three. Yeah. I had a quick look to see if there was any more. And I could only count three.*” Mr Lynch was unable to determine the identity of the stable or riders concerned.⁴

Mr Neville Saunders in evidence was questioned “*Through our inquiries your name’s been brought up as having witnessed those horses, or these alleged horses, to have worked. Are you able to confirm that that was the case, that you saw some horses working?*” to which Mr Saunders replied “*Ah, I wouldn’t say that I saw them but I did hear them from where my stable was. And I heard there was some horses there. By the same token, I’m probably not the right person to be asking because I reckon it’s totally wrong that they didn’t have the pool open, you know, didn’t at least have the pool open so if anybody, you know, was able to work their horses, I don’t blame them. That’s the honest truth. You know. Like you can’t not put - you can’t lock the horses up bloody, you know, for a day and a half in those little boxes and that. Anyway, that’s my opinion on that, yeah.*” Mr Saunders added “*But as far as seeing horses work, I would have to say no because I don’t think we even undone our gate, to tell you the truth. But I did hear horses work, you know.*” The stewards questioned “*Okay. I’ve been told that you actually went up into the stewards’ tower at the 1400 metres and might have looked and saw some horses out there?*” to which Mr Saunders replied “*Ah, I possibly did. I’m not saying I didn’t - and if they were out there, they were only on the trotting ring, you know, the trotting ring up the top.*”

² Transcript of Stewards’ Interview dated 5 April 2018, page 2 and 3

³ Transcript of Stewards’ Interview dated 5 April 2018, page 2, 3 and 4

⁴ Transcript of Stewards’ Interview dated 6 April 2018, page 2 and 3



The further questioned “Okay. Now, before we go any further, I need to be very clear to you that this is what we consider a serious matter. And we don’t want anyone to get in a position of giving false and misleading evidence, so I need you to be very straight with me and I don’t need you to lie, or want you to lie or, you can’t lie. But if you saw horses out there working, I need you to be honest with me, because this is going to potentially escalate somewhere to a stewards’ inquiry. And your name’s been mentioned, so, as seeing these horses work. So can we start again” to which Mr Saunders replied “All right. Yeah, well, I did see horses work but they were only on the - on the trotting track.” The stewards replied “Okay. Are you aware which stables those horses came from?” to which Mr Saunders responded “No, I’m not. I’m really not aware of what stables they come from. And actually it was from a distance I didn’t even know the riders so I couldn’t distinguish or...” The stewards further replied “But there’s no - there’s no doubt that there was horses on the trotting track performing some sort of exercise, anyway?” to which Mr Saunders replied “There was, yes.”⁵

Mr Michael Waddington in evidence stated “I come out to the stables and Nev Saunders was there and I asked him was the pool open and he said, no, it was locked. Anyway, we were out the front of the stables talking and he mentioned to me that Currie was working some. So we went up to the stewards’ tower and they were on the bullring.” The stewards questioned “So you physically observed horses out there?” to which Mr Waddington replied “Yeah, that’s correct.” The stewards further questioned “Okay. Were you in a position to - other than what Nev Saunders had said, were you in a position to actually physically be sure of which stable they had come from?” to which Mr Waddington replied “Yes - Ben Currie’s.” The stewards replied “Ben Currie’s. Okay. And what makes you sure that they were Currie’s?” to which Waddington responded “They were Ben’s riders and had his saddlecloths on them.” The stewards further replied “Saddlecloths. Okay. Are you aware of who the riders were by name?” to which Mr Waddington responded “Yeah. Yes. Um, Darryl Groves, um, Shaun - I don’t know Shaun’s last name - and all I know is - the other bloke, I don’t know his name but he goes in and rides a few babies for Ben. He’s a bull rider.” Mr Waddington added “Yeah, he (Applicant) worked a number of horses. Me and Nev (Mr Neville Saunders) stood up in the tower outside Ross Coveney’s stables and we seen them come in and out and I actually walked my mare up to the turf club tie-up stalls and gave her a hose and a walk up there. And I seen multiple horses come in and out. Off the track into Ben’s stables.” Mr Waddington further added “Because actually I thought he (Applicant) must have got permission to work the horses that were racing on that Saturday in town, so I just thought being Ben Currie, I thought he must have got permission to do it.” The stewards further questioned “So when you say they were on the bullring, they were on the trotting track or on the actual bullring?” to which Mr Waddington replied “No, the cushion and trotting track. I didn’t see them on the main tracks.” Mr Waddington stated he witnessed the aforementioned incident at approximately 6am stating “Ah, about 6 o’clock.”⁶

During the stewards inquiry conducted on 2 May 2018, the Applicant was provided with the aforementioned transcripts of evidence. The chairman of the inquiry questioned “In response to Mr Waddington’s comments, he is quite adamant through that statement that horses of yours worked that morning came in and out of your barn” to which the Applicant replied “Could say anything. Who is to stop him saying anything? Doesn’t even live here anymore.”

⁵ Transcript of Stewards’ Interview dated 6 April 2018, page 2, 3, 4 and 5

⁶ Transcript of Stewards’ Interview dated 5 April 2018, page 3, 4 and 5



The chairman further questioned “So you’re denying despite Mr Waddington’s...” to which the Applicant replied “Where’s the proof? What’s the point if one person says it? All these inquiries obviously and the whole point of inquiry down track and there is no proof once you appeal it how is it going to stand up? Just cause one person says that they saw it doesn’t mean it’s happened like I could produce 10 interviews that said I didn’t through my staff and the rider’s that I mentioned. So we can all do that, so one person saying I did it doesn’t mean anything. And the rest is hearsay, Nick Kahn taking an off the cuff comment. Which I can’t recall, I do not recall even having a conversation with him. The rest of it is not sure, didn’t see anything.” The Chairman replied “You’d agree the statements of Saunders, Jeynes and Lynch would all be consistent with seeing horses out there exercising?” to which the Applicant responded “In a way, could mean anything. I’m not saying they didn’t see horses I’m saying not my horses, don’t know what more I can say.” The Chairman further replied “So you are steadfastly denying the allegations?” to which the Applicant replied “That’s what I told you last time.”⁷

The Applicant’s complete submissions in defence of the charge are outlined in Part 3 of this decision.

The Applicant failed to provide any evidence, as submitted, from his stable employees to refute any evidence that his stable worked horses on the subject morning. The Applicant failed to provide any evidence of any past “troubles” between him and the “witness” (Mr Waddington) as submitted.

In considering the evidence, the reviewer accepts the evidence of Mr Hahn stating “When leaving, (the track) Ben Currie asked me if we’d finished with the walker and I said yes and he said - his exact words were, “Fuck it, I’m just going to work a few, who’s going to know.” The reviewer further accepts the evidence of Mr Jeynes and Mr Lynch, employees of the Toowoomba Turf Club, in particular Mr Jeynes stating “I received a phone call about horses being worked, I came up early that morning to check the track to see if there was any evidence of horses walking across, because the crossing was dragged the day before. And there was evidence of horses - numerous horses, not just one or two - going out to the trotting track to work. I heard earlier in the morning from Michael Waddington, who’s no longer in Toowoomba, but he said that he saw horses working in the morning when he was picking his horse out the back, seen them coming down the lane.”

The reviewer finds Mr Saunders’ initial evidence false and misleading. Mr Saunders initially stated “But as far as seeing horses work, I would have to say no because I don’t think we even undone our gate, to tell you the truth.” Subsequent to being informed there was evidence placing him in the stewards’ tower at the 1400 metres witnessing horses working, and of the repercussions in providing false or misleading evidence, Mr Saunders stated “All right. Yeah, well, I did see horses work but they were only on the - on the trotting track.”

The reviewer accepts the evidence of Mr Waddington stating “I come out to the stables and Nev Saunders was there and I asked him was the pool open and he said, no, it was locked. Anyway, we were out the front of the stables talking and he mentioned to me that Currie was working some. So we went up to the stewards’ tower and they were on the bullring.” Mr Waddington, in response to a question “What makes you sure that they were Currie’s?” replied “They were Ben’s riders and had his saddlecloths on them.”

⁷ Audio of Stewards’ Inquiry conducted on 2 May 2018



Mr Waddington added “Yeah, he (Applicant) worked a number of horses. Me and Nev (Mr Neville Saunders) stood up in the tower outside Ross Coveney’s stables and we seen them come in and out and I actually walked my mare up to the turf club tie-up stalls and gave her a hose and a walk up there. And I seen multiple horses come in and out. Off the track into Ben’s stables.”

The reviewer questions the credibility of Mr Saunders’ evidence, particularly with his perceived lack of knowledge of the stable responsible for using the training facilities. The reviewer forms such view based on Mr Saunders’ initial evidence stating “I wouldn’t say that I saw them (horses working on the track) but I did hear them from where my stable was.” Mr Saunders amended that statement subsequent to being informed there was evidence placing him in the stewards’ tower at the 1400 metres witnessing horses working, and of the serious repercussions with participants providing false or misleading evidence. Mr Saunders later stated “All right. Yeah, well, I did see horses work but they were only on the - on the trotting track.” “I’m really not aware of what stables they come from and actually it was from a distance I didn’t even know the riders so I couldn’t distinguish or...” The reviewer is not completely satisfied Mr Saunders’ evidence, particularly with his perceived lack of knowledge of the stable responsible, was credible in the circumstances.

The reviewer finds it is not in dispute that several horses worked at Toowoomba Turf Club on 30 March 2018 (Good Friday), a morning in which the venue was closed. The Clifford Park Training Centre, Training & Regulation Agreement CPTC (Home of the Toowoomba Turf Club) 2017/18 Season, clearly states “CPTC is closed on Good Friday and Christmas Day. Open all other public holidays.” The reviewer acknowledges the Applicant and Mr Blair Odgers, Chief Executive Officer Toowoomba Turf Club, signed the agreement on 8 August 2017 and 31 July 2017 respectively. By signing the agreement, the Applicant is knowingly bound by such Rules and Regulations in place at the relevant time. The reviewer finds, in considering the evidence in totality and taking into account the aforementioned factors, in particular the evidence of Mr Waddington and the lack of credibility of Mr Saunders’ evidence particular to the stable responsible, is satisfied that Mr Waddington’s evidence is preferred over the evidence of the Applicant and accordingly finds the charge proven to the requisite standard.

The Applicant’s disciplinary history pursuant to Rule 175(p) demonstrates two (2) prior offences in May and July 2015 which incurred monetary fines.

In determining the matter of penalty, consideration was provided to the Applicant’s submissions, not guilty plea, disciplinary history (noting two prior offences pursuant to the subject Rule) and importantly the unacceptable risk and exposure such action placed on the safety of horse and rider considering the facility was closed and hence no safety checks had been undertaken by the club to minimise or remove any risk of injury. Further consideration was provided to the Applicant’s complete contempt for the Rules and Regulations of the Toowoomba Turf Club. The reviewer, in considering the aforementioned factors, is satisfied the penalty imposed is fair and reflective of the evidence and accordingly confirms the original decision on charge and penalty.

PART 5: Review Rights following Internal Review Decision

In accordance with section 246 of the *Racing Integrity Act 2016*, as the applicant for an internal review of the original decision, you are able to apply to the Queensland Civil and Administrative Tribunal (QCAT) for an external review of the internal review decision.



An external review is commenced by lodging the appropriate forms with QCAT. In accordance with section 33 of the *Queensland Civil and Administrative Tribunal Act 2009*, an application for an external review of an internal review decision is to be made within 28 days from the day this internal review decision notice is provided to the applicant.

For further information regarding the processes for an external review of the decision, please contact QCAT:

Queensland Civil and Administrative Tribunal

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