



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

PART 1: Details of Internal Review

Internal Review Number:	Internal Review 0053-18
Applicant's Name:	Cameron Schwenke

PART 2: Decision History

Original Decision:	Breach of Rule 175(a) of the Australian Rules of Racing
Original Decision Makers:	A Reardon, D Aurisch , I Brown
Date of Original Decision:	11 May 2018
Internal Review Decision:	Original decision of charge and penalty confirmed - three (3) month disqualification
Internal Adjudicator:	Kane Ashby, Queensland Racing Integrity Commission
Date of Internal Review Decision:	21 June 2018

PART 3: Summary of Internal Review Application

The Applicant, Mr Cameron Schwenke, is a licensed stablehand within the thoroughbred racing industry in Queensland. The Applicant was charged pursuant to Australian Rule of Racing 175(a) for assisting with the administration of a substance to horses on 7 April 2018, being the same day those horses were engaged to race.

Australian Rule of Racing 175 states:

"The Principle Racing Authority (or the Stewards exercising powers delegated to them) may penalise:

(a) Any person who, in their opinion, has been guilty of any dishonest, corrupt, fraudulent, improper or dishonourable action or practice in connection with racing.

At the stewards' inquiry conducted on 11 May 2018, the Applicant was charged pursuant to Australian Rule of Racing 175(a) in that the Applicant, as a licensed stablehand, did assist in the administration of a substance to BOOMWA, GIVUS A CUDDLE, GULLY COMMAND, HANG, WITH A PROMISE, PUBLISHING POWER and RUETIGGER (NZ) on the morning of 7 April 2018, the same day those horses were engaged to race at the Toowoomba Turf Club which, in the opinion of the stewards, was an improper practice. The Applicant pleaded not guilty to the charge and the stewards subsequently found the Applicant guilty of the charge.

In determining penalty, the stewards were mindful of the Applicant's personal circumstances, including the fact that the Applicant now derived an income outside of the racing industry. The stewards acknowledged that a penalty was likely to cause the Applicant some hardship, however the integrity of the industry must be balanced with any hardship that follows as a consequence of such a serious breach of the Australian Rules of Racing.



The stewards were also mindful of similar penalty precedents and deemed the Applicant's failure to co-operate with investigators in the first instance as an aggravating factor.

The Applicant was subsequently disqualified for a period of three (3) months to commence at midnight on 11 May 2018 and to expire at midnight on 11 August 2018.

The Applicant sought a review of the charge and penalty and provided the following submissions in support of his Application:

"I maintain that three months disqualification for this charge is harsh and has caused ongoing financial hardship and mental strain on myself on myself and my family. I am still unclear as to why I was charged and the particulars of the details around this charge.

I refer to the recent case of Victorian jockey Chris Caserta who has been suspended for four months after being found guilty of two charges relating to a banned substance. The penalty I have received after viewing the above charges appears punitive and unfair."

The outcome sought by the Applicant was for the charge to be set aside.

PART 4: Reasons for Internal Review Decision

The Applicant was subject to a stewards' inquiry into alleged activities that occurred on the morning of 7 April 2018 at the Hursley Road stables of licensed trainer Mr Benjamin Currie. The Applicant has been employed as a stablehand with Currie Racing for the past six (6) months. The stewards, in summary, alleged the Applicant assisted in the administration of a substance to BOOMWAA, GIVUS A CUDDLE, GULLY COMMAND, HANG, WITH A PROMISE, PUBLISHING POWER & RUETIGGER (NZ) on the morning of 7 April 2018, the day those horses raced or were engaged to race at the Toowoomba Turf Club which, in the opinion of the stewards, was an improper practice.

The Applicant was formally interviewed on 12 April 2018 in relation to certain activities that occurred on the morning of 7 April 2018 at the Hursley Road stables of licensed trainer Mr Benjamin Currie. The Applicant in evidence was questioned "Who does the treatments?" to which the Applicant replied "Mark or Greg." The Applicant was further questioned "So you're saying that they don't treat on race day?" to which the Applicant replied "Not that I'm aware, no." The Applicant was questioned "Have you ever seen anyone in the Currie camp treat horses that are racing on race day?" to which the Applicant replied "No. Never. Not at Hursley Road."¹

The Applicant was then questioned "You've brought up a couple of times that Curries don't treat on race day and that you've never seen any treatments on race day. Have you ever assisted with any treatments on race day?" to which the Applicant replied "No." The Applicant was further questioned "And are you aware that it's an offence if - a serious offence against the rules of racing to treat on race day?" to which the Applicant replied "Yeah. I'm aware, yeah. I'm aware of that rule, yeah."² The Applicant was questioned "Cameron, if you saw someone treating on race day, would you report it to the stewards?" to which the Applicant replied "Oh, do I have to answer that? Probably not. I, I've never seen it, so - I don't know what I'd do. I'd be disappointed."³

¹ Transcript of Interview dated 12 April 2018, page 12

² Transcript of Interview dated 12 April 2018, page 17 and 18

³ Transcript of Interview dated 12 April 2018, page 20



The Applicant was reminded of the serious consequences of providing false or misleading evidence and was further questioned *"Is there anything else that you want to tell us about Saturday?"* to which the Applicant replied *"No. Not that I know of."* The Applicant was then questioned *"You've never seen race day treatment by anyone at the Currie stables?"* to which the Applicant replied *"No."* The Applicant was questioned *"You've never assisted in any way?"* to which the Applicant replied *"No."*⁴

The Applicant was shown the CCTV footage seized from the Hursley Road stables of licensed trainer Mr Benjamin Currie on 7 April 2018 particular to his involvement and was questioned *"What have you got in your hand now?"* to which the Applicant replied *"Boost paste. I don't remember that. I know it's illegal. You can't do it, but it is just - it's not performance enhancing."* The Applicant was advised *"It's still illegal, mate. It's against the rules of racing"* to which the Applicant replied *"Yeah, yeah, a hundred per cent."* Subsequent to viewing the entire CCTV footage, the Applicant was questioned *"I would like you to be honest with us and tell us everything you know about what happened on the morning of the 7th of April, 2018"* to which the Applicant replied *"You've seen what happened. There's not really any denying now, is there? To give a horse Boost Paste. Simple."* The Applicant was then questioned *"Why did you do that?"* to which the Applicant replied *"I didn't give any - didn't give it to any of them. I - I can't - I'm not going to - I'm not - I - I - it'd be silly of me to say anymore, really, wouldn't it? I'm obviously going to lose my licence and whatever, so."* The Applicant was questioned *"What's preventing you from being honest?"* to which the Applicant replied *"Well, well, what - what happens if - you know, how confidential is it? Like I, I don't want to be - I'll never get a job in the industry again, if I'm classed as a narc, will I?"*⁵

The Applicant was questioned *"How long have you worked in the industry before?"* to which the Applicant replied *"Oh, a couple of years now. Back - I've been involved my whole life. Dad has always had racehorses. I've been picking up horse shit since I was four years old. So, yeah, I've been licenced - it'd be 18 years ago, I suppose, yeah."*⁶

At the conclusion of the interview, the Applicant was questioned *"Is there anything further you wish to put forward?"* to which the Applicant replied *"I suppose I'm a bit naive and silly, but that's how I've always - like I said, I've always been like that. I just do as I'm told and I don't question. Whoever's paying, I just do."*⁷

The Applicant was subsequently issued with the aforementioned charge in writing on 20 April 2018 pursuant to Australian Rule of Racing 175(a) and was further notified his stablehand licence pursuant to Australian Rule of Racing 8(z) was suspended pending the conclusion of the inquiry.

During the stewards' inquiry concluded on 11 May 2018, the Applicant was questioned *"Is there any evidence that you would like to put forward in relation to the charge?"* to which the Applicant stated *"Yes. I'd like to know how I could be charged with giving - assisting in giving a substance when it is not alleged that I have given and (inaudible) prescribed by that or anything in the banned substance list. According to the rules, alkalising agents - which is Boost Paste - which are contained in commercial feeds and/or balanced electrolyte supplements, which don't fit the - lift the TCO₂, and fed or consumed according to manufacturer's recommendations for daily use is allowed"*.⁸

⁴ Transcript of Interview dated 12 April 2018, page 21

⁵ Transcript of Interview dated 12 April 2018, page 29 and 30

⁶ Transcript of Interview dated 12 April 2018, page 32

⁷ Transcript of Interview dated 12 April 2018, page 37

⁸ Transcript of Stewards' Inquiry dated 11 May 2018, page 3



Dr Martin Lenz, Director of Veterinary Services and Animal Welfare at the Queensland Racing Integrity Commission, provided evidence during the inquiry and stated *"Look, I think the first thing to put forward is that the alkalising rule doesn't actually come into this at all. It is not being alleged that this is an alkalising substance. It is however a substance that contains components which have an effect on a body system, and Rule 178B quite clearly states:*

"The following substances are declared as prohibited substances."

Then it goes on to say:

"Substances capable at any time of causing either directly or indirectly an action or effect or both an action and effect within one or more of the following mammalian body systems."

Then it lists the body systems:

"The nervous system, the cardiovascular system, the respiratory system, the digestive system, the musculo-skeletal system, the endocrine system, the urinary system, the reproductive system, the blood system, the immune system."

I can give you a look at this too. The ingredients are listed on the back of the tube, and there are electrolytes and trace elements. So, you know, the normal electrolytes, potassium, sodium. There is magnesium in there - which has obviously an effect on the nervous system - calcium, musculoskeletal system, phosphorous iron on the blood system, cobalt, once again, magnesium. Cobalt you know has several effects, and one of them is on the blood system. Copper, zinc. They all have effects on multiples of these body systems that are listed under AR178B. In addition we have got a host of vitamins - which I won't list separately - and some essential amino acids. Now, all these substances have effects on one or more of the body systems that are listed in 178B, and as such are classified as prohibited substances under the Rules of Racing. There is a copy of what's on there."⁹

Dr Lenz commented further on Boost paste *"I think we can go back to the front of the label where the manufacturer obviously has their own claims, and it is listed as a complex oral paste for horses, and they claim it is used for racing, performance, recovery and health. The manufacturer themselves makes claims as to what the product is used for, and I'm sure when you buy this in a supplement shop you would be able to see that label claim as it is there now, if you want to have a - Boost is the brand name, but the - what the uses are for that paste are listed there by the manufacturer as - you know, certainly performance is one of the uses, but recovery is another one. Okay. The other thing, as put forward by the Chairman, the - you know, these were taken out of monthly Racing Magazines - that come out. All the trainers would have access to them, and once again it just quite clearly states "Routes of administration of medication not permitted on race day" and then it actually lists any substance administered by a number of different ones, but paste, dose, syringe - you know, this certainly fits under both of those definitions that would be considered a medication and therefore is not permitted to be given on race day according to this guidance."¹⁰*

The reviewer finds the CCTV footage seized from the Hursley Road stables of licensed trainer Mr Benjamin Currie on 7 April 2018 demonstrated Mr Greg Britnell, stable employee for Currie Racing, entering the stables of PUBLISHING POWER, RUETTIGER, GULLY COMMAND, GIVUS A CUDDLE, HANG, WITH A PROMISE and BOOMWAA between 3:49am and 3:57am with a syringe and towel.

⁹ Transcript of Stewards' Inquiry dated 11 May 2018, page 24

¹⁰ Transcript of Stewards' Inquiry dated 11 May 2018, page 25



The footage captures evidence that three (3) of the horses were administered the contents of the syringe orally. The footage further demonstrates Mr Britnell again entered six (6) of the aforementioned stables with a syringe between 6:55am and 6:58am. The footage captures one (1) of the horses being administered the contents of the syringe orally. The footage further demonstrates that several horses, following Mr Britnell exiting their stable with a syringe, displayed symptoms consistent with a horse that had been administered a substance or paste orally. The earlier footage between 3:49am and 3:57am demonstrates the Applicant actively assisted Mr Britnell by way of handling the syringes and in part witnessing Mr Britnell's actions.

The Applicant was questioned *"So you have identified yourself there as holding two applications of Boost Paste? And you are just helping Mr Britnell - as we have alleged in the charge that you assisted in the administration"* to which the Applicant confirmed *"Yes, I'm just - yes, doing what I'm - yes, of the electrolyte. It's a - you know what Boost Paste, sure."*¹¹

The Applicant was then questioned *"You are observing Mr Britnell there. So Mr Britnell is administering that Boost Paste to the horse by way of mouth, is that right?"*¹² to which the Applicant replied *"I'm not sure. He put some in the feeds I think, yeah. A couple over here - I couldn't see that one - that particular one. I can't remember what he was doing with it. But he obviously gave it to some of them. You can see that quite clearly."* The chairman of the inquiry replied *"Yes, orally"* to which the Applicant responded *"Orally."* The chairman questioned *"Okay. But you are alleging that the substance that Mr Britnell is administering there is not a banned substance. That's your argument?"* to which the Applicant replied *"Yes."*¹³

Mr Daniel Aurisch, Deputy Chairman of Stewards, questioned *"You said whenever there is an occasion you treat, do you give the Boost Paste to the horses or do you just..."* to which the Applicant replied *"No, I don't. I've never - they get Boost Paste all the time, not just on race day or that day or any day. Sometimes it goes into their feed, like I stated. It depends. After a gallop it is used. Before a gallop it can be used."* Mr Aurisch then questioned *"Apart from your side of it, we have seen quite a deal of footage and most of that shows it's not going in the feed, it's going in the mouth"* to which the Applicant replied *"Yes, but on that footage on some of that, but you can't see the feed - the feed room is there. On a normal day it can be - it's an additive. Can be a food additive. A hundred percent."* Mr Aurisch questioned *"Why if - if you think under the rules it's okay to use, is there so much secrecy in applying - giving the medication to the horses?"*¹⁴ to which the Applicant replied *"I was only just aware of it recently through our solicitor that there is a rule there, and it's hard to interpret. There are 2 or 3 different rules there that are hard to interpret."*¹⁵

Mr Ian Brown, Senior Stipendiary Steward, questioned *"When you say they - they get the Boost Paste, like which horses get it and which horses don't?"* to which the Applicant replied *"Well, horses that are up to - that are fit and galloping. It's - it's a common practice for all trainers to use Boost Paste."* Mr Brown then questioned *"But I think you said in your initial interview it is quite often - usually given to horses after a hard gallop"* to which the Applicant replied *"Yes."*

¹¹ Transcript of Stewards' Inquiry dated 11 May 2018, page 4

¹² Transcript of Stewards' Inquiry dated 11 May 2018, page 4

¹³ Transcript of Stewards' Inquiry dated 11 May 2018, page 4 and 5

¹⁴ Transcript of Stewards' Inquiry dated 11 May 2018, page 6

¹⁵ Transcript of Stewards' Inquiry dated 11 May 2018, page 7



Mr Brown questioned *“But surely those horses haven't just done a hard gallop”* to which the Applicant replied *“Or before a gallop. You can give it to them before a gallop.”* Mr Brown questioned *“But that's race day. They would be galloping, would they, apart from going to the races? So those horses wouldn't have worked hard at the track that morning”* to which the Applicant replied *“They didn't go to the track that morning.”* Mr Brown questioned *“No. So why would they be getting the Boost Paste?”* to which the Applicant replied *“I don't know. You would have to ask the trainer. It's not my decision to give them Boost Paste.”*¹⁶ Mr Brown added *“The other inconsistency we've noted is that there are other horses in those stables that don't go to the races on that day and they don't get the Boost Paste”* to which the Applicant replied *“Again, that's not my - I don't decide who gets it and who doesn't.”*¹⁷

Mr Aurisch questioned *“Just in relation to your interview that we have got a transcript of here, initially you gave evidence that you weren't aware of any treatments that occurred in your presence. Then you were shown the footage, and prior to that they gave you the opportunity of clarifying your evidence, and you stuck by your story until you saw the footage”* to which the Applicant replied *“Yes.”* Mr Aurisch then questioned *“Why would you do that?”* to which the Applicant replied *“Oh, it wasn't - I don't know. I didn't think really. This is a long (inaudible). Like you guys just hound them Curries. So even yesterday that was just disgraceful, in my opinion.”* Mr Aurisch questioned *“Were you aware of the footage that we have seen there? Were you aware that was being taped?”* to which the Applicant replied *“No.”*¹⁸

The chairman then questioned *“In numerous racing magazines it has been advertised you can't give a horse any oral administration on race day. And these horses were on race day. You know those horses were racing that day”* to which the Applicant replied *“Yes.”* Mr Brown added *“Just on that point, in your interview you seem to acknowledge that administering a treatment or a medication to a horse on race day - you acknowledge that it's against the rules”* to which the Applicant replied *“Yeah, yes, I do. I acknowledge it now.”* Mr Brown questioned *“And you stated before you had been shown the footage that you have never done anything like that, and then your story seems to change after you view the footage”* to which the Applicant replied *“My story hasn't changed.”* Mr Brown then questioned *“So you still acknowledge that it is against the rules to treat a horse on race day?”* to which the Applicant replied *“Well, as far as I'm aware now being a rule which states that you can give a horse - an electrolyte paste or a vitamin.”* Mr Brown questioned *“Your view on that has obviously changed since this interview?”* to which the Applicant replied *“Yes, because I was unaware of the rule.”*¹⁹

Mr Brown clarified *“The rule you are referring to is alkalinising agents one clear day before racing”* to which the Applicant replied *“The day before.”* The chairman added *“So you haven't been charged under that rule”* to which the Applicant replied *“No. I have been charged with assisting.”*²⁰

For reference, Australian Rule of Racing 178AA states in part:

“(1) A person must not administer an alkalinising agent, in any manner, to a horse which is engaged to run in any race, official trial or jump-out:

¹⁶ Transcript of Stewards' Inquiry dated 11 May 2018, page 7

¹⁷ Transcript of Stewards' Inquiry dated 11 May 2018, page 8

¹⁸ Transcript of Stewards' Inquiry dated 11 May 2018, page 10 and 11

¹⁹ Transcript of Stewards' Inquiry dated 11 May 2018, page 12 and 13

²⁰ Transcript of Stewards' Inquiry dated 11 May 2018, page 13



- (a) at any time on the day of the scheduled race, official trial or jump out and prior to the start of such event; and
- (b) at any time during the one Clear Day prior to 12.01am on the day of the scheduled race, official trial, or jump out.
- (2) Any person who:
- (a) administers an alkalinising agent;
- (b) attempts to administer an alkalinising agent;
- (c) causes an alkalinising agent to be administered; and/or
- (d) is a party to the administration of, or an attempt to administer, an alkalinising agent, contrary to AR.178AA(1) commits an offence and may be penalised.”

The reviewer accepts the aforementioned Rule has no direct relevance to the charge the subject of review.

The Applicant submitted an Application for an Internal Review of the stewards' decision on 25 May 2018. The Applicant's submissions stated *“I maintain that three months' disqualification for this offence is harsh, and has caused ongoing financial hardship and mental strain on myself and my family. I am still unclear as to why I was charged and the particulars of the details around the charge. I refer to the recent case of Victorian jockey Chris Caserta who has been suspended for four months after being found guilty of two charges relating to a banned substance. The penalty I have received after viewing the above charges appears punitive and unfair.”* The outcome the Applicant was seeking was *“That the decision to find me guilty of the above charges be set aside”*.²¹

The reviewer acknowledges the aforementioned decision in Caserta and finds there are significant differences in that matter and that of the subject review. The Caserta matter was particular to the rider providing a sample that contained a banned substance and failing to provide a sample upon direction of the stewards pursuant to Australian Rule of Racing Rule 81A(1)(a) and (b).

The Applicant was issued with a charge pursuant to Australian Rule of Racing 175(a) which states:

“The Principal Racing Authority (or the Stewards exercising powers delegated to them) may penalise;

(a) Any person who, in their opinion, has been guilty of any dishonest, corrupt, fraudulent, improper or dishonourable action or practice in connection with racing.”

The improper practice was the Applicant assisting in the administration of a substance to the aforementioned horses on the morning of 7 April 2018, being the day those horses were engaged to race at the Toowoomba Turf Club.

The reviewer finds the Applicant provided false and misleading evidence when initially interviewed on 12 April 2018, despite several clear warnings of the potential repercussions in providing such evidence. The false and misleading evidence was particular to the Applicant's knowledge and reluctance to provide factual evidence of treatments to horses at the Hursley Road stables on 7 April 2018.

²¹ Internal Review application dated 25 May 2018, page 2



Notwithstanding, the reviewer acknowledges the predicament faced by the Applicant as he stated in the inquiry *“Well, well, what - what happens if - you know, how confidential is it? Like I, I don't want to be - I'll never get a job in the industry again, if I'm classed as a narc, will I?”*²²

The inquiry heard the Applicant has always been involved with racehorses and previously held a stablehand licence for a period of four (4) years. The Applicant has been employed as a stablehand with Currie Racing for the past six (6) months. The reviewer accepts the Applicant's evidence particular to a question posed to him *“And are you aware that it's an offence if - a serious offence against the rules of racing to treat on race day?”* to which the Applicant replied *“Yeah. I'm aware, yeah. I'm aware of that rule, yeah.”*²³ The reviewer is therefore completely satisfied the Applicant was fully aware that such treatment that occurred to the aforementioned horses at the Hursley Road stables on 7 April 2018 was in contravention of Australian Rule of Racing Rule 178E.

For reference, 'Medication' is defined under the Australian Rules of Racing as *“any treatment with drugs or other substances.”*

For reference, Australian Rule of Racing AR178E(1) states:

“Notwithstanding the provisions of AR178(2) no person without the permission of the Stewards may administer or cause to be administered any medication to a horse on a race day prior to such horse running in a race.

For reference, Australian Rule of Racing AR178E(2) states:

“The Stewards may order the withdrawal from a race engagement any horse that has received medication in contravention of subrule (1) of this rule.”

The reviewer accepts the evidence of Dr Lenz concerning the contents of Boost paste stating *“The ingredients are listed on the back of the tube, and there are electrolytes and trace elements. So, you know, the normal electrolytes, potassium, sodium. There is magnesium in there - which has obviously in effect on the nervous system - calcium, musculoskeletal system, phosphorous iron on the blood system, cobalt, once again, magnesium. Cobalt you know has several effects, and one of them is on the blood system. Copper, zinc. They all have effects on multiple of these body systems that are listed under AR178B. In addition, we have got a host of vitamins - which I won't list separately - and some essential amino acids. Now, all these substances have effects on one or more of the body systems that are listed in 178B, and as such are classified as prohibited substances under the Rules of Racing. There is a copy of what's on there.”*²⁴ Dr Lenz added *“I think we can go back to the front of the label where the manufacturer obviously has their own claims, and it is listed as a complex oral paste for horses, and they claim it is used for racing, performance, recovery and health. The manufacturer themselves makes claims as to what the product is used for, and I'm sure when you buy this in a supplement shop you would be able to see that label claim as it is there now, if you want to have a - Boost is the brand name, but the - what the uses are for that paste are listed there by the manufacturer as - you know, certainly performance is one of the uses, but recovery is another one.”*

²² Transcript of Interview dated 12 April 2018, page 30

²³ Transcript of Interview dated 12 April 2018, page 17 and 18

²⁴ Transcript of Stewards' Inquiry dated 11 May 2018, page 24



The reviewer accepts the further evidence of Dr Lenz particular to the racing magazines whereby he stated *“All the trainers would have access to them, and once again it just quite clearly states, “Routes of administration of medication not permitted on race day”, and then it actually lists any substance administered by a number of different ones, but paste, dose, syringe - you know, this certainly fits under both of those definitions that would be considered a medication and therefore is not permitted to be given on race day according to this guidance note.”*²⁵

For reference, the Racing Queensland Magazine particular to the notification and control of race day medication information states, in part:

*“Routes of Administration of Medication’ - Any Substance administered by injection, stomach tube, paste, dose syringe, topical application or by inhalation, amongst any other routes of administration, WILL BE CONSIDERED A MEDICATION. Only normal feeding and supplementation that can be used by the horse voluntarily eating or drinking the feedstuff can be considered acceptable on the day of racing.”*²⁶

The reviewer finds the evidence compelling and demonstrates the Applicant and other personnel within the stable demonstrated clear knowledge of a deceitful stable practice to administer substances orally via syringe to the aforementioned horses that were engaged to race later that day on 7 April 2018. This is supported by evidence and CCTV footage demonstrating that on multiple occasions the subject horses were administered two substances hours apart orally by syringe prior to racing. The reviewer acknowledges it is likely that one of the substances administered on the subject day was Boost paste. Notwithstanding, the reviewer is not completely satisfied as to the contents of either substance administered, considering the Applicant’s false and misleading evidence and the attempts from other personnel within the stable to conceal syringes and unknown items under a pad near the camera area on 7 April 2018. The reviewer finds a reasonable inference can be drawn that the substance/s administered was something of a more serious nature.

The reviewer accepts the Applicant’s direct involvement was limited to the aforementioned horses being treated between 3:49am and 3:57am on 7 April 2018. Notwithstanding, the reviewer finds the Applicant’s continuous false and misleading evidence prior to viewing the CCTV footage demonstrates the Applicant’s prior knowledge of a deceitful stable practice to administer substances to horses on race day. The reviewer finds such acts brazen and deceitful and a clear attempt to cheat and gain an unfair advantage.

The reviewer acknowledges each case is treated on its merits and set of circumstances. In considering the evidence in totality, and taking into account the aforementioned factors, the reviewer finds the Applicant’s actions compelling in that he assisted with the administration of a substance to horses between 3:49am and 3:57am on 7 April 2018, being the day those horses were engaged to race, which in the circumstances was an improper practice in connection with racing and accordingly is satisfied the charge pursuant to Australian Rule of Racing 175(a) is proven.

The Applicant’s disciplinary history is clear of an offence pursuant to Australian Rule of Racing 175(a). The standard penalty for an offence pursuant to Australian Rule of Racing 175(a) is dependent on the circumstances and severity of any given case. The penalty range is between a reprimand and a five (5) year disqualification.

²⁵ Transcript of Stewards’ Inquiry dated 11 May 2018, page 25

²⁶ Exhibit 5



In determining penalty, consideration was provided to the Applicant's submissions, personal circumstances, not guilty plea, mitigating circumstances, disciplinary history, and totality of the evidence. The charge is extremely serious in nature and has a detrimental effect on the racing industry. The reviewer finds the Applicant's false and misleading evidence demonstrates his prior knowledge that such treatments administered on race day are a serious offence under the Australian Rules of Racing. The reviewer finds such evidence was a deliberate attempt to hinder the ongoing investigation by the stewards into activities that occurred on the morning of 7 April 2018 at the Hursley Road stables of licensed trainer Mr Benjamin Currie. The reviewer acknowledges the position the Applicant was placed in, particular to his future employment, whereby he stated "*I'll never get a job in the industry again, if I'm classed as a narc, will I?*"²⁷ Notwithstanding, the Applicant was forewarned on multiple occasions of the repercussions in providing false and/or misleading evidence.

The reviewer acknowledges that, as with any breach of the Australian Rules of Racing, any penalty imposed will attract some form of hardship which must be evenly weighed against the degree of the offence. The reviewer, in considering the aforementioned factors and gravity of the situation, finds the penalty is reflective of the evidence and takes into account the mitigating circumstances and therefore is not satisfied a reduction in penalty is proven in the circumstances 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

Registry Location: Level 9, 259 Queen Street, BRISBANE QLD 4001
Postal Address: GPO Box 1639, BRISBANE QLD 4001
Phone: 1300 753 228
Email: enquiries@qcat.qld.gov.au

²⁷ Transcript of interview dated 12 April 2018 30.