



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 0072-18
Applicant's Name:	Tasha Chambers

PART 2: Decision History

Original Decision:	Breach of Rule 81A(1)(b) and Rule 175(g) of the Australian Rules of Racing
Original Decision Makers:	L Collins, M Heath
Date of Original Decision:	26 July 2018
Internal Review Decision:	Original decision of penalty amended - the six (6) month disqualification and the three (3) month disqualification are to be served concurrently
Internal Adjudicator:	Mr Kane Ashby, Queensland Racing Integrity Commission
Date of Internal Review Decision:	23 August 2018

PART 3: Summary of Internal Review Application

The Applicant, Ms Tasha Chambers, is a licensed jockey within the thoroughbred racing industry in Queensland. The Applicant was charged pursuant to Australian Rule of Racing 81A(1)(b) for providing a urine sample which was not consistent with human urine and the Applicant was also charged pursuant to Australian Rule of Racing 175(g) for providing false evidence at a stewards' inquiry with that evidence being that the Applicant had provided the sample naturally. A further sample was taken from the Applicant which, upon analysis, detected the prohibited substance phentermine.

Australian Rule of Racing 81A(1)(b) states:

*"(1) Any rider commits an offence and may be penalised if -
(b) he refuses or fails to deliver a sample as directed by the Stewards, or tampers with, adulterates, alters, substitutes or in any way hinders the collection of such sample or attempts to do any of those things."*

Australian Rule of Racing 175(g) states:

*"The Principal Racing Authority (or the Stewards exercising powers delegated to them) may penalise:
(g) Any person who gives at any interview, investigation, inquiry, hearing and/or appeal any evidence which is false or misleading in any particular."*



At the resumed stewards' inquiry conducted on 26 July 2018, the Applicant pleaded guilty to both charges. In determining penalty, the stewards were mindful of the Applicant's guilty pleas, her personal circumstances, her disciplinary history, penalty precedents and that the Applicant had been stood down from riding for one month. However, the stewards were also mindful of the Applicant's failure to co-operate during the course of the initial stewards' inquiry and that the Applicant's actions in the first instance required some degree of pre-mediation in an attempt to be deceitful. Furthermore, the deterrent effect for such actions must be sufficient to prevent likeminded individuals from considering such a course of action when faced with similar circumstances.

The stewards subsequently disqualified the Applicant for six (6) months for her breach of Australian Rule of Racing 81A(1)(b) and further disqualified the Applicant for three (3) months for her breach of Australian Rule of Racing 175(g). The stewards ordered that the disqualifications be served cumulatively effective immediately and were to expire on 26 April 2019.

The Applicant sought a review of the penalty and submitted the following in support of her Application:

- 1. The penalty imposed was manifestly excessive.*
- 2. The penalty imposed did not take into account all my circumstances.*
- 3. The penalty imposed did not take into account my previous good history or if it did it did not place sufficient weight on my previous good history.*
- 4. The imposition of a cumulative sentence upon me is unreasonable and not warranted in the circumstances.*
- 5. The Stewards failed to place sufficient weight on the fact that whilst I might have initially denied involvement, I, on the resumed hearing on 26 July 2018, provided a statement to Stewards where I admitted my liability. I do not believe that any weight or any sufficient weight was given to the fact that I made full admissions in the end and combining a cumulative penalty as well as failing to adequately take into account the effect of a disqualification upon me means that the penalty imposed was excessive in all the circumstances.*
- 6. The Stewards imposed the penalty effective from 26 July 2018 as will appear from the Transcript of Evidence I was stood down by the Stewards from 27 June 2018. I have therefore effectively served 31 days as part of the sentence because I have been stood down by Stewards and they ought to have taken into account that fact.*
- 7. The penalty that ought to have been imposed was a penalty of no more than two months with a suspension of four months.*
- 8. If one looks at the penalties that were imposed it is my submission that the penalty in respect of the substituted urine sample ought to have been no more than two months and the penalty in respect of the false and misleading evidence should have been a month and served concurrently with the two months penalty. If it was considered appropriate a suspension of penalty of four months could be applied to the overall penalty.*

The outcome sought by the Applicant was a total suspension period of four months.



PART 4: Reasons for Internal Review Decision

The Applicant was directed by stewards to provide a urine sample at the Rockhampton Jockey Club on 24 June 2018. The urine sample was subsequently analysed by Racing Analytical Services Limited, which reported the sample integrity test results as not consistent with human urine.¹

During the stewards' inquiry conducted on 28 June 2018, the Applicant denied the laboratory findings and informed stewards the sample was authentic and was provided naturally by the Applicant. The stewards subsequently stood the Applicant down from any form of riding and adjourned the stewards' inquiry pending further enquiries into the analysis of the sample. The Applicant provided a further urine sample on 28 June 2018 which, upon analysis, detected the banned substance phentermine, being an appetite suppressant.

During the resumed stewards' inquiry conducted on 26 July 2018, the Applicant submitted a statement at the earliest opportunity that provided a frank admission to substituting the urine sample. The statement, in part, read "*I wish to advise that I admit substituting my urine sample with another sample which was synthetic. I did this because I had panicked about the fact that I had taken a weight reducing drug on the evening before*"². The Applicant provided a statement from Dr Michael Ryan in relation to a pre-existing medical condition that the Applicant is receiving ongoing treatment for after sustaining a serious riding injury in 2017.

The Applicant pleaded guilty to the aforementioned charges the subject of this review and was subsequently disqualified for six (6) months pursuant to Australian Rule of Racing 81A(1)(b) and further disqualified for three (3) months pursuant to Australian Rule of Racing 175(g) with the disqualifications to be served cumulatively totalling a period of a nine (9) month disqualification.

The reviewer finds the initial stewards' inquiry conducted on 28 June 2018 primarily inquired into the reasons why the Applicant's urine sample provided on 24 June 2018 was reported by Racing Analytical Services Limited to not be consistent with human urine. The reviewer acknowledges the Applicant provided false and misleading evidence at the initial stewards' inquiry and further that the Applicant subsequently provided a full and frank admission at the earliest opportunity to substituting the urine sample at the resumed stewards' inquiry conducted on 26 July 2018. The reviewer accepts providing false and misleading evidence at any inquiry or investigation is a serious offence and, as a consequence, significant sanctions potentially apply. Notwithstanding, the reviewer finds such admission, albeit at the resumed inquiry, is significant and sufficient weight should be applied as a mitigating factor when determining penalty. Australian Rule of Racing 81A(1)(b) is designed to ensure the safety of all participants and that the welfare of animals is protected from participants, in this case the Applicant, affected by banned substances.

The Applicant's disciplinary history pursuant to Australian Rule of Racing 81A(1)(a) demonstrates three (3) prior offences, the latest in 2010, and demonstrates no prior history particular to the offence subject of review pursuant to Australian Rule of Racing 81A(1)(b). The Applicant's disciplinary history is clear of any offence particular to Australian Rule of Racing 175(g). The penalty precedents for an offence pursuant to Australian Rule of Racing 81A(1)(b) is between four (4) months and nine (9) months disqualification and the precedents pursuant to Australian Rule of Racing 175(g) ranges between a reprimand and a five (5) year disqualification.

¹ Exhibit 2

² Statement of the Applicant dated 26 July 2018



The Applicant's complete submissions for a review of the penalty imposed are outlined in Part 3 of this decision.

The Applicant's legal representative submitted "*If one looks at the penalties that were imposed it is my submissions that the penalty in respect of the substituted urine sample ought to have been no more than two months and the penalty in respect of the false and misleading evidence should have been a month and served concurrently with the two months penalty.*"³

The reviewer, when taking into account the totality of evidence and particularly the Applicant's prior disciplinary history (noting three (3) previous offences to Phentermine), the penalty precedents in substituting a urine sample and providing false and misleading evidence, is not satisfied a two (2) month penalty as submitted by the Applicant's legal representative is appropriate in the circumstances.

In weighing up the matter of penalty, consideration was provided to the Applicant's submissions, the Applicant's forthright evidence and remorse demonstrated during the resumed stewards' inquiry, the Applicant's guilty pleas, medical condition and personal circumstances. The reviewer acknowledges the Applicant was stood down from any form of riding on 28 June 2018, effectively serving a period of 31 days suspension before the resumed inquiry concluded and the aforementioned penalties were imposed. Further consideration was provided to the nature of the banned substance, the Applicant's disciplinary history, penalty precedents and that any penalty imposed is reflective of the evidence and serves as a deterrent to any future offender.

The reviewer acknowledges each case is treated on its merits and set of circumstances and, in carefully considering the evidence in totality and taking into account the aforementioned factors, finds the original penalties imposed be amended and that the six (6) month disqualification and the three (3) month disqualification be served concurrently as opposed to cumulatively.

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

³ Application for an Internal Review dated 27 July 2018