

Appeal decision

Hearing Date: 19 May 2016

Decision Date: 19 May 2016

Code of racing: Harness

Appeal panel: Mr B. Miller (chair), Mr P. James and Mr G. Casey

Appearances: Mr S. Neaves, counsel, appeared on behalf of Mr Thomas.
Mr L. Wilson, stipendiary steward, appeared on behalf of the stewards.

Decision being appealed: Disqualification for a period of 4 months – AHRR 190(1).

Appeal result: Dismissed. Penalty varied to a 4 months suspension, with the last 3 months set aside pending no reoffending.

Extract of proceedings – in the matter of the Thank You Rex Curley Pace (CO) over 1780 metres at Redcliffe on 27 January 2016: Trainer P. Thomas

THE CHAIRMAN: We have considered all the submissions made by you, Mr Neaves and you, Mr Wilson. We have had some difficulty with coming to a final determination. The issues are not as easy as what one might first have thought, but the stewards and Karen Caldwell, the senior vet at present, seem to have accepted that the substance in question, diclofenac, was ingested by the horse as a result of the personal use of that material by you, Mr Thomas. Whether that be the case or not there is no real argument. It either came that way or in some other way. If it had actually been administered, the penalty that we are about to impose would be very much different.

We have been given a full explanation of your personal financial circumstances and position, your own personal health issues that have some relevance to this matter, the fact that you are a person of extremely good character and have never been before this Board before and have not been before the stewards on any major event of a disciplinary nature.

Mr Wilson, for the stewards, has conceded that this is also a very difficult matter, and the stewards are faced with the obvious: the horse was presented to the races with a prohibited substance in its system, and there is no appeal against conviction and it is correct that the horse had to be disqualified and the money won by the horse be returned.

The determination of this Board is that the disqualification be set aside, and that the period of 4 months be reinstated as a suspension with the last 3 months of the suspension being set aside pending you being of good behaviour and not reoffending. In other words, we are



happy to accept that you have breached the rule and that your penalty will be time already served by way of suspension, and you are able to resume training immediately.

That will be the order of the Board.

Further right of appeal information: The Appellant and the Steward may appeal to the Queensland Civil and Administrative Tribunal (QCAT) within **28 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

