

RACING APPEALS TRIBUNAL

RAT 12/2019

DATE OF HEARING: MONDAY 9 DECEMBER 19

TRIBUNAL: PRESIDENT: MR T ANDERSON QC

IN ATTENDANCE: MR SEAN CALLANAN, STEWARDS,
THOROUGHBRED RACING SA LTD

APPELLANT: MS S CLAYFIELD

IN THE MATTER of an Appeal by **MS SOPHIE CLAYFIELD** against a decision of Thoroughbred Racing SA Ltd Stewards.

BREACH OF RULE: ARR 139(1)(a)

a banned substance under AR 136(1) is detected in a sample taken from the rider;

PENALTY: 3 months suspension

DETERMINATION

The Appellant is a licensed stable hand/track rider with Thoroughbred Racing SA Ltd in the 2019/20 racing season.

The appellant rode track work at Morphettville on the morning of 21 October 2019. On that date she provided 2 urine samples to the TRSA Stewards.

Those samples were later analysed by the Racing and Analytical Services Laboratory and both samples returned positive readings to cannabis, at the level of 61 and 40 ug/l respectively.

ARR 136(1)C(1) prescribes that cannabis, where the sample reading exceeds 15ug/l is a banned substance.

As a result of these positive results, on 8 November 2019, the appellant was advised in writing of the outcome and in the same communication was advised that she was stood down from riding track work and handling horses until a negative urine sample was provided by her.

The appellant was interviewed by the Stewards on 26 November 2019 and was subsequently charged with a breach of ARR 139(1)(a).

At the hearing the appellant pleaded guilty to the charge and her licence was suspended for 3 months. She did not apply for a Stay of Proceedings.

On 29 November 2019 Ms Clayfield appealed to this Tribunal against the severity of the penalty.

At the Tribunal hearing the appellant admitted to the smoking of cannabis during the evening of 20 October 2019, the day preceding her riding track work and having samples taken by the Stewards.

She admitted that due to some personal circumstances in her life at that time she shared a cigarette comprising both cannabis and tobacco with a friend, who had offered the cigarette to her.

She advised the Tribunal that the smoking of the drug was a 'one off' and she does not normally consume illicit drugs.

The appellant advised the Tribunal that her suspension has had a significantly negative effect on her in as much as riding track work and associated stable work is her only income.

She also advised that her suspension was having a negative effect on her employer as he had about 15 horses in work at the time and had to take on other employees to cover her absence.

On 26 November 2019 her employer emailed the TRSA Stewards outlining the negative impact the appellant's suspension was having on his business, including the inability to have horses exercised. This correspondence was produced by the Stewards to the Tribunal at the hearing.

Handling horses, particularly riding track work whilst affected by drugs of any form has the potential to create risks of harm to the rider, other riders, horses, and any spectators that might be in the immediate vicinity at the time.

In her favour, the Stewards reported that the appellant did not appear to be drug affected at the time the samples were taken.

The rule is quite clear and specific. Licensed persons need to be free of banned substances when engaged in horse handling.

Any penalty imposed must have a deterrent effect on both the offender and other people involved in the industry.

Whilst it is unfortunate that the actions of the appellant in this case have led to a detriment to her employer, that is not something that this Tribunal should consider when reviewing matters such as this.

On balance, the Tribunal is of the view that the Stewards' penalty of a 3 months suspension is appropriate to the circumstances.

However, every case needs to be assessed on its own merits.

Having considered the evidence of the Stewards and the submissions of the appellant, particularly in relation to her claimed 'one off' use of the drug, and impact on her own livelihood, the Tribunal determines as follows.

The 3 months suspension stands.

The appellant has already served one month of the penalty. The appellant will serve a further two weeks' suspension, terminating at midnight on Monday ,23 December 2019, making a total of 6 weeks effective suspension.

The remaining 6 weeks of the 3 months suspension, expiring at 12 midnight on 8 February 2020, will in itself be suspended on the following conditions.

The appellant will provide a sample to the Stewards on this date (9 December 2019), and a further sample on or about 1 February 2020, the date being at the discretion of the Stewards.

If both of those samples are negative, the Tribunal will take no further action.

Should either of those samples return positive to any banned substance, the appellant will be called before the Tribunal for re-sentencing.

This matter should serve as a reminder to licensed persons that breaches of the rules resulting in suspension or disqualification will not only impact on the offender, but most likely have broader ramifications for their employers, trainers, owners and other interested parties.

I order the refund of the applicable portion of the bond.