



## 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 0038-19
Applicant's Name:	Benjamin Currie
Original Decision:	Breach of Rule 175(a) of the Australian Rules of Racing
Original Decision Makers:	P. Chadwick, P. Zimmerman, N. Boyle
Date of Original Decision:	10 May 2019
Internal Review Decision:	Original decision of charges confirmed – penalty amended to 12 months disqualification for charge 1, 18 months disqualification for charge 2, to be served cumulatively.
Internal Review Decision-Maker:	Kane Ashby, Queensland Racing Integrity Commission
Date of Internal Review Decision:	7 June 2019
PART 3: Summary of Internal Review Application	
<p>The Applicant, Mr Benjamin Currie is a licensed trainer within the thoroughbred racing industry and was found guilty of two (2) charges of an improper action on 3 May 2019, pursuant to Australian Rule of Racing 175(a).</p> <p>Australian Rule of Racing 175(a) states:</p> <p><i>The Principal Racing Authority (or the Stewards exercising powers delegated to them) may penalise:</i></p> <p><i>(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.</i></p> <p>The specifics of charge one (1) read:</p> <p><i>That on 25 November 2015 you Ben Currie as the licensed trainer of a horse namely, MASSIVE ATTACK, engaged in an improper action in connection with racing in that you sent text messages in regards to your intention to have MASSIVE ATTACK subjected to an electronic apparatus capable of affecting its performance.</i></p> <p>The specifics of charge two (2) read:</p> <p><i>That between 19 November 2016 and 9 December 2016 you Ben Currie as the licensed trainer of a horse namely, SAID WRITTEN, engaged in an improper action in connection with racing in that you sent text messages in regards to your intention to have SAID WRITTEN subjected to an electronic apparatus capable of affecting its performance.</i></p> <p>Subsequent to the Stewards inquiries into the aforementioned matters the determination of the charges and penalty imposed was conducted by written submissions between the Applicants legal counsel and QRIC Stewards. The Applicants submissions on charge and penalty dated 29 April 2019 and 8 May 2019 respectively, and QRIC Stewards</p>	



response to the aforementioned submissions on charge and penalty dated 3 May 2019 and 10 May 2019 respectively.

The Stewards subsequently issued the Applicant with a two (2) year disqualification for charge one (1), and a two (2) year disqualification for charge two (2) to be served cumulatively, totalling a period of four (4) years disqualification.

The Applicant sought a review of the charges and penalty imposed and asked that his submissions on charge and penalty be considered together with the following grounds of review:

1. *The stewards could not be comfortably satisfied of the guilt of the applicant on the evidence before them.*
2. *The penalties imposed are manifestly excessive.*

The outcome sought by the Applicant is that:

1. *The finding of guilt on both charges be set aside.*
2. *The disqualification be set aside. In lieu a reprimand on each charge be imposed."*

### 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  
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