

# Stewards' Report

## Stewards Report: John O'Shea - Pretty In Pink

**Date: 21 September 2020**

**Panel: P Chadwick, D Aurisch and A Turner**

Queensland Racing Integrity Commission (QRIC) Stewards today concluded an inquiry into analysts' findings that the prohibited substances Methamphetamine and Amphetamine were detected in a post-race urine sample collected from the thoroughbred mare PRETTY IN PINK at the Doomben Racecourse on 1 June 2019.

The Stewards had charged trainer Mr John O'Shea pursuant to Australian Rule of Racing 240(2), with Stewards then considering evidence from trainer John O'Shea and his foreperson, Ms Alex Maher, together with evidence from trainers Bryan Guy and Daniel Guy at the Stewards' Inquiry convened on 10 September 2020.

Australian Rule of Racing 240(2) provides:

*Subject to subrule (3), if a horse is brought to a racecourse for the purpose of participating in a race and a prohibited substance on Prohibited List A and/or Prohibited List B is detected in a sample taken from the horse prior to or following its running in any race, the trainer and any other person who was in charge of the horse at any relevant time breaches these Australian Rules.*

The specifics of the charges being that Mr O'Shea, as the licensed trainer of PRETTY IN PINK, brought that mare to the Doomben Racecourse on 1 June 2019 for the purpose of competing in a race, being Race 4 the Moreton Cup Group 2 over 1200 metres, and a post-race urine sample collected from PRETTY IN PINK revealed that the prohibited substances Methamphetamine and Amphetamine were present in the subject sample.

Mr O'Shea entered a plea of not guilty to the charge and made submissions in defence of the charge.

After considering all the evidence and submissions, the Stewards were comfortably satisfied that sufficient evidence existed to substantiate the charge and Mr O'Shea was formally found guilty of the charge.

In determining penalty in relation to the charge, the Stewards considered the following:

1. the nature, circumstances and seriousness of the offending conduct, in which the Stewards concluded that it was not known how the prohibited substances came to present in PRETTY IN PINK's system but the Stewards conceded that there was no evidence to suggest that the prohibited substance had been intentionally administered to PRETTY IN PINK, therefore the Stewards deemed the offending to be at the lower end of the scale for a presentation offence pursuant to Australian Rule of Racing 240(2);

2. Mr O'Shea's personal circumstances, including the number of employees and horses currently under his care and control and his extensive training history;
3. Mr O'Shea's disciplinary history over a period of approximately twenty (20) years;
4. Mr O'Shea's cooperation throughout the inquiry, together with his frank and forthright evidence;
5. Mr O'Shea's plea of not guilty;
6. the penalty precedents for an offence pursuant to Australian Rule of Racing 240(2) (formerly Australian Rule of Racing 178) and specifically the penalty precedents for this offence particular to the substances Methamphetamine and Amphetamine;
7. the strict liability imposed upon trainers to present horses to race free from any prohibited substance in accordance with the Australian Rules of Racing; and
8. the need for the penalty to act as both a specific deterrent to Mr O'Shea to reduce the risk of further offending and a general deterrent to the wider racing industry for the integrity of the racing industry to remain paramount.

The Stewards, having considered the above factors, determined the appropriate penalty was a monetary penalty in the amount of \$6,000.00.

Mr O'Shea was advised of his rights to apply for an internal review of the decision pursuant to Chapter 6 of the *Racing Integrity Act 2016* (Qld).

Further, in accordance with Australian Rule of Racing 240(1) the horse PRETTY IN PINK was disqualified from its 1<sup>st</sup> placing in the subject race and the placings amended as follows:

1<sup>st</sup> BRAVE SONG

2<sup>nd</sup> WINTER BRIDE

3<sup>rd</sup> VIRIDINE

4<sup>th</sup> I AM EXCITED

5<sup>th</sup> DIVINE DICE

6<sup>th</sup> ECHO EFFECT

7<sup>th</sup> HANDSOME THIEF

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