

Stewards' Report

Stewards Report: Paul Duncan

Date: 27 October 2020

Panel: W Hadley, D Aurisch and P McLean

The Queensland Racing Integrity Commission's Integrity Investigations Team (IIT) conducted an inspection of the registered stable address of licensed trainer Mr Paul Duncan on 6 September 2020, which resulted in GALAXY GURU being declared a late scratching from Race 2, being the Access Insulation Sunshine Coast Benchmark 65 Handicap over 1800 metres at the Sunshine Coast Turf Club on 6 September 2020, on order of the Stewards.

Queensland Racing Integrity Commission (QRIC) Stewards today concluded an inquiry into the findings of the IIT on 6 September 2020 and, after considering evidence provided by Mr Duncan, the Stewards charged Mr Duncan with a breach of Australian Rule of Racing 254(1)(a)(ii) and Australian Rule of Racing 104(1).

Australian Rule of Racing 254(1)(a)(ii) provides:

A person must not, without the permission of the Stewards inject a horse engaged to run in any race at any time during the 1 clear day prior to 12.00am on the day of the scheduled race.

Australian Rule of Racing 104(1) provides:

A trainer must record any medication or treatment administered to any horse in the trainer's care by midnight on the day on which the administration was given.

The specifics of the two (2) charges being as follows:

- 1. Pursuant to AR254(1)(a)(ii) that Mr Paul Duncan, as a trainer licensed by the Queensland Racing Integrity Commission, did inject GALAXY GURU with an antibiotic without the permission of the Stewards, during the one (1) clear day prior to 12:00am on the day of the scheduled race, being Race 2 the Access Insulation Sunshine Coast Benchmark 65 Handicap over 1800 metres at the Sunshine Coast Turf Club on 6 September 2020; and*
- 2. Pursuant to AR104(1) that Mr Paul Duncan, as a trainer licensed by the Queensland Racing Integrity Commission, failed to record the administration of any medication and/or treatment to the horses in your care between 20 August 2020 and 6 September 2020.*

Mr Duncan entered a plea of guilty to both charges and made brief submissions to the Stewards on penalty.

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

1. Mr Duncan's plea of guilty at the earliest available opportunity;
2. Mr Duncan's frank and forthright evidence during the inquiry;
3. the nature, the circumstances and seriousness of the offending conduct, of which the Stewards deemed the breach pursuant to AR254(1)(a)(ii) to be a very serious breach of the Australian Rules of Racing whilst also considering the medication that was injected in breach of the rule, being an antibiotic;
4. Mr Duncan's personal circumstances, including the number of horses currently in his care and control, being fourteen (14) horses, and that he derives his income solely from the racing industry;
5. Mr Duncan's disciplinary history;
6. the penalty precedents for the offence, noting the penalties range from a monetary penalty to a period of disqualification; and
7. the need for the penalty to act as both a specific deterrent to Mr Duncan 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 for the charge pursuant to AR254(1)(a)(ii) is a monetary penalty in the amount of \$3,000.00 and for the charge pursuant to AR104(1) is a monetary penalty in the amount of \$500.00.

The Stewards also noted that the analysis of the swab samples collected from GALAXY GURY on 6 September 2020 did not detect any prohibited substances.

Mr Duncan 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).
