

# Stewards' Report

## Stewards Report: Darryl Gardiner

**Date: 22 September 2020**

**Panel: P Chadwick, D Aurisch and P Zimmermann**

Queensland Racing Integrity Commission (QRIC) Stewards today concluded an inquiry into the procurement of preparations that had not been registered, labelled, prescribed, dispensed or obtained in accordance with applicable Commonwealth and State legislation.

The Stewards charged trainer Darryl Gardiner pursuant to Australian Rule of Racing 256(2)(a)(iii) after hearing evidence from Mr Gardiner at the commencement of the inquiry on 29 January 2020.

Australian Rule of Racing 256(2)(a)(iii) provides:

*A person must not:*

*(a) procure;*

*any of the following:*

*(iii) a substance or preparation that is not permitted to be in a person's possession or on a person's premises in accordance with AR 252(1).*

Australian Rule of Racing 256(3)(b) provides:

*"procure" includes the purchase and/or receipt of a substance or preparation.*

Australian Rule of Racing 252(1) provides:

*A person must not have in his or her possession or on his or her premises any medication, substance or preparation which has not been registered, labelled, prescribed, dispensed or obtained in accordance with applicable Commonwealth and State legislation.*

The specifics of the charge being that Darryl Gardiner, as a trainer licensed by the Queensland Racing Integrity Commission, did procure a preparation that was not permitted to be in his possession or on his premises in accordance with AR 252(1) from an unregistered and unlicensed person on three (3) occasions, with the cost of the procured products totalling \$555.00.

Mr Gardiner entered a plea of guilty to the charge and provided written submissions to the Stewards on penalty.

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

1. Mr Gardiner's plea of guilty at the first available opportunity;
2. the nature, circumstances and seriousness of the offending conduct, including Mr Gardiner's admission that he procured what he believed to be saline drenches from an unlicensed and unregistered person and that the drenches were administered in accordance with the applicable timeframes as stipulated in the Australian Rules of Racing;
3. Mr Gardiner's personal circumstances, including his age and the number of horses currently under his care and control (being nine (9) horses);
4. Mr Gardiner's disciplinary history over a period of approximately forty-six (46) years;
5. Mr Gardiner's cooperation throughout the inquiry, together with his frank and forthright evidence;
6. the penalty precedents for the offence; and
7. the need for the penalty to act as both a specific deterrent to Mr Gardiner 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 \$1,000.00.

Mr Gardiner 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).

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