

# Stewards' Report

## Stewards Report: Wayne Baker - Continuity

**Date: 28 January 2021**

**Panel: D Aurisch and R Hitchener**

Queensland Racing Integrity Commission Stewards concluded an inquiry into analysts' findings that the prohibited substance Cobalt was detected in a pre-race urine sample collected from the thoroughbred gelding CONTINUITY at the Thangool Race Club on 22 July 2017.

As a result of the analysts' findings, Stewards charged trainer Mr Wayne Baker pursuant to Australian Rule of Racing 178 (as at 1 February 2017), which provides:

*Subject to AR 178G, when any horse that has been brought to a racecourse for the purpose of engaging in a race and a prohibited substance is detected in any sample taken from it prior to or following its running in any race, the trainer and any other person who was in charge of such horse at any relevant time may be penalised.*

The specifics of the charges being that Mr Wayne Baker, as the licensed trainer of CONTINUITY, brought that gelding to the Thangool Race Club on 22 July 2017 for the purpose of competing in a race, being the Benchmark 45 Handicap over 1200 metres, and a pre-race urine sample collected from CONTINUITY revealed that the prohibited substance Cobalt was present in the subject sample at a level above the permitted threshold.

Mr Baker entered a plea of not guilty to the charge and made submissions in defence of the charge, specifically that the feed given to CONTINUITY was allegedly contaminated and the matter should therefore be determined in accordance with a similar feed contamination matter in New South Wales involving trainer Mr Ron Quinton.

After considering all the evidence and submissions, Stewards were satisfied that sufficient evidence existed to substantiate the charge and made particular note that the Stewards' Panel found it difficult to draw comparisons to the feed contamination in Mr Quinton's case due to the significant difference in the levels of alleged Cobalt contamination between the two matters, and Stewards subsequently found Mr Baker guilty of the charge.

Mr Baker made further submissions on penalty and, in determining penalty in relation to the charge, the Stewards considered the following:

1. the nature, circumstances and seriousness of the offence, with particular note of Mr Baker's explanation for CONTINUITY having the level of Cobalt recorded was that the feed supplement must have been contaminated and that the Cobalt level disclosed was not as advertised;

2. Mr Baker's personal circumstances, including the number of employees and horses currently under his care and control and his extensive training history;
3. Mr Baker's unblemished disciplinary history over a period of approximately twenty (20) years;
4. Mr Baker's plea of not guilty;
5. the penalty precedents for an offence pursuant to Australian Rule of Racing 240(2) (formerly Australian Rule of Racing 178), the penalty precedents particular to the substance Cobalt and the penalty precedents for presentation offences in the Queensland racing industry (including recent decisions of the Queensland Civil and Administrative Tribunal);
6. 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
7. the need for the penalty to act as both a specific deterrent to Mr Baker to reduce the risk of further offending and as 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 offence was the suspension of Mr Baker's licence for a period of twelve (12) months effective from midnight on 4 February 2021.

Mr Baker 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 177 (as at February 2017), CONTINUITY was disqualified from its 8<sup>th</sup> placing in the above-mentioned race and the placings were amended accordingly.

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