

Stewards' Report

Stewards Report: Brett Baker

Date: 1 September 2023

Panel: Clayton Warren, Tony Preston & Fiona Hartford

Queensland Racing Integrity Commission Stewards today concluded an inquiry into a report from the analyst that a post-race urine sample taken from TOUTE SWEET on 13 July 2023 at Ipswich returned a result above the permitted threshold for the prohibited substance COBALT.

Documentary evidence was tabled from the Racing Science Centre (RSC) and Racing Analytical Services Limited (RASL) as well as oral evidence from Trainer Mr Brett Baker, Managing Owner Mrs Christine Baker and Dr Shawn Stanley of the RSC.

After considering all of the evidence Mr Baker was issued with a charge pursuant to AR240(2) which reads:

Subject to subrule (3), if a horse has been 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 any 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 such horse at any relevant time may be penalised.

The specifics of the charge being that as the licensed Trainer Mr Brett Baker did have the gelding TOUTE SWEET presented to race at Ipswich on 13 July 2023 and following its winning (dead-heat) effort in the TAB QTIS 2yo MAIDEN PLATE over 800m a subsequent post-race urine sample taken from that gelding was confirmed positive to the prohibited substance COBALT above the permitted threshold.

Mr Baker pleaded not guilty to the charge and made subsequent submissions. After considering these Stewards found Mr Baker guilty of the charge.

In determining penalty Stewards gave consideration to the specific circumstances of the case, the lack of explanation for the reasons for the elevated COBALT level, his penalty submissions, his record in relation to the rule and personal and financial circumstances, as well as relevant penalty precedents and the negative impact such breaches have on the image of the industry and the need for any penalty to act not only as a specific deterrent to Mr Baker but to the industry cohort as a whole

After consideration of the matter Stewards determined that Mr Bakers licence to train be suspended for a period of 12 months. Stewards acting under the of provisions AR 283(5) fully suspended the operation of the penalty of a suspension of Mr Bakers training licence for a period for two years (24 months), on the proviso that he does not reoffend under this rule regarding the prohibited substance COBALT. Further, Stewards acting under AR 283(2) imposed a fine of \$5000.

As a result of the above determination, Stewards sought submissions from Trainer Mr Baker and Mrs Baker as the Managing Owner of TOUTE SWEET regarding the application of the provisions of AR 240(1) which reads:

Subject to subrule (3), if a horse is brought to a racecourse 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 horse must be disqualified from any race in which it started on that day.

After further consideration Stewards determined TOUTE SWEET must be disqualified from its winning (dead-heat) performance at Ipswich on 13 July 2023 in the TAB QTIS 2yo MAIDEN PLATE over 800m and amended the placings as follows:

1st place- KESALUL

2nd place- ENFLAMED

3rd place- TORQUE OF DREAMS

4th place- BERNICE'S SPIRIT

Mr Baker was advised of his right of appeal to the Queensland Racing Appeals Panel.