

Stewards' Report

Stewards Report: Incident 14 September 2024

Date: 6/11/2024

Panel: Clayton Warren & Anthony Preston

Pursuant to Section 256B of the RIA a person identified in the below report has requested the Commission not to publish their personal information contained in the below Stewards' report.

Queensland Racing Integrity Commission Stewards today concluded an inquiry into an incident that occurred at a race meeting on 14 September 2024. After taking evidence from a witness and the two licensed persons involved a Trainer was issued with the following charge pursuant to AR233(c) which reads:

AR 233(c) provides that:

A person must not:

(c) engage in sexual harassment of a person employed, engaged in, or participating in the racing industry.

The particulars of the charge being:

1. At all relevant times Trainer ██████████ held a Trainers license with the QRIC & were bound by the relevant rules of racing
2. On 14th September 2024 Trainer ██████████ did attend a Race meeting in his capacity as a Licensed Trainer
3. When acting in the course of his duties as a Trainer, whilst legging up and providing instructions to Jockey ██████████, Trainer ██████████ made the following remark and action:
 - i) Give him a peach of a ride and/or Go get them (or words to that effect)
 - ii) And did make contact with his hand in a smacking/slapping motion in the vicinity of Jockey ██████████ buttock.
4. Engaging in such an act is sexual harassment and in breach of AR233(c), being that his action was unwelcome conduct of a sexual nature in relation

to a person, where a reasonable person should have anticipated that behaviour would offend, humiliate or intimidate an individual.

Trainer [REDACTED] subsequently pleaded guilty to the charge and made submissions in relation to penalty. In considering penalty Stewards noted the following:

- Guilty plea
- Disciplinary record
- Penalty submissions & personal circumstances
- Relevant penalty precedents
- The need for both general & specific Deterrence
- The purpose of imposing penalty under the relevant legislation
- Human rights
- Specific circumstances of the breach
- The negative impact breaches such as this have on the integrity and image of the industry

Subsequently, Stewards determined Trainer [REDACTED] license be suspended, in full, for a period of three (3) months, to commence 6 November 2024, up to and including 6 February 2025. Additionally, acting under the provisions of AR283(7), Stewards allowed a period of 7 days, to conclude 5pm 12 November 2024, to allow Trainer [REDACTED] time for the bona fides and transfer of horses currently in his care to be amended.

In considering the above matters Stewards acknowledged that any penalties imposed may limit or prevent a person from earning a living from the racing industry and subsequently that the imposition of such a penalty may limit a person's human rights to own property (namely a licence), as well as the human right of privacy and reputation. The Commission further acknowledges that a limitation upon a person's ability to participate in the racing industry, and earn income from that participation, may only be imposed where it is reasonably necessary to achieve the purpose of taking disciplinary action and there is no less restrictive and reasonably available way to achieve the purposes listed above, than to suspend a licence, disqualify a person from holding a licence, or warn a person off from involvement in the racing industry. In these specific circumstances, Stewards were satisfied that there was no lesser penalty that could be imposed that enables the purposes of taking disciplinary actions against a licensee for a contravention of the rules of racing as listed above other than the aforementioned suspension.

Trainer [REDACTED] was advised of his right to an appeal.