

DECISION

Of

Queensland Racing Integrity Commission Stewards

Regarding

Mr Kerrod Smyth

Delivered on: 19 September 2025

Date of hearing: 7 August 2025 and,
19 September 2025

Panel: Mr Shane Larkins (chair) Mr Joshua Adams, Mr Geoffrey
Goold, Mr Ethan Suli and Mr Hayden Gillett

Appearances: Mr Kerrod Smyth
Mr Jim Murdoch (KC)

Charge 1: Australian Rule of Racing 240(2) – *AR 240 Prohibited substance in sample taken from horse at race meeting*

(2) Subject to subrule (3), if a horse is 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 a 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 the horse at any relevant time breaches these Australian Rules.

Particulars of Charge:

1. Mr Kerrod Smyth was at all relevant times, a thoroughbred trainer licensed by the Queensland Racing Integrity Commission.
2. Mr Smyth was at all relevant times, the licensed trainer of the registered thoroughbred UPTURN.

3. On 4 July 2025, Mr Smyth brought UPTURN to the Rockhampton Jockey Club for the purpose of competing in Race 1, the Parkhurst Quality Meats Maiden Handicap over 1050 metres.
4. Upon analysis by the Racing Science Centre, Brisbane, a total plasma carbon dioxide concentration level of 38.6 mmol/L was reported and Racing Analytical Services Limited, Melbourne, reported a total plasma carbon dioxide concentration level of 37.5 mmol/L in the pre-race blood sample numbered 927479 collected from UPTURN.
5. Alkalinising agents, when evidenced by total carbon dioxide (TCO₂) at a concentration greater than the 36.0 millimoles per litre in plasma threshold as defined in the Australian Rules of Racing, SCHEDULE 1 – PROHIBITED SUBSTANCES LIST & EXEMPTIONS / THRESHOLDS, Division 3 – Prohibited List B Thresholds 1, are prohibited substances.

Plea: Guilty

Stewards' findings on Penalty:

Mr Smyth was afforded the opportunity to address penalty by way of written submissions on his behalf which were received 28 August 2025.

When determining stewards considered the following:

- Seriousness of a breach of AR240(2).
- General Deterrence.
- Specific Deterrence.
- The negative impact such breaches have on the image of the racing industry.
- Relevant Penalty Precedents dealing with elevated TCO₂ levels in Queensland thoroughbred racing.
- Guilty plea.
- Disciplinary history, which reflected 6 prior breaches of matters in relation to prohibited substances.
- Human Rights Act 2019 (Qld) and the impact that any penalty may have on an individual.
- Reference provided from the Rockhampton Jockey Club.

Stewards acknowledged that any penalty imposed upon Mr Smyth may limit or prevent him from earning a living from the racing industry and subsequently that the imposition of such a penalty may limit his human rights to own property (namely a licence), as well as the human right of privacy and reputation. The Stewards further acknowledge

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.

In the circumstances of this case, Stewards are satisfied that there is no lesser penalty that could be imposed that enables the purposes of taking disciplinary action against a licensee for a contravention of the rules of racing, which are to:

- Maintain public confidence in the racing of animals in Queensland for which betting is lawful;
- Ensure the integrity of all persons involved with racing or betting under the *Racing Integrity Act 2016* or the *Racing Act 2002*; and
- Safeguard the welfare of all animals that are or have been involved in racing under the *Racing Integrity Act 2016* or the *Racing Act 2002*.

Penalty:

AR240(2) – 10-month Disqualification. Effective immediately.

Stewards also considered the provisions of AR240(1)

AR 240 Prohibited substance in sample taken from horse at race meeting

- (1) 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.

As managing owner of UPTURN, Mr Smyth was given the opportunity to address the stewards panel in relation to invoking the provisions of the rule and after considering that no submissions made, stewards determined that UPTURN be disqualified from third placing in the race in question and placings amended as follows.

Rockhampton Jockey Club 04 July 2025, Race 1, the Parkhurst Quality Meats Maiden Handicap.

First – OVER DRAFT
Second – WISE CHOICE
Third – CAPRICORNUS
Fourth – EL FORTRESS

Against this Stewards decision Mr Smyth was advised of his rights to appeal this decision to the Racing Appeal Panel.