

DECISION

Of

Queensland Racing Integrity Commission Stewards

Regarding

Ms Amy Graham

Delivered on:	10 November 2025
Dates of hearing:	22 September 2025 30 September 2025 2 October 2025
Panel:	Mr Joshua Adams (Chairperson), Mr Paul Zimmermann and Mr Brad Tamer
Appearances:	Ms Amy Graham Mr Jim Murdoch KC (legal representative)
Charge 1:	Australian Rule of Racing ("AR") 228(a) states: AR 228 Conduct detrimental to the interests of racing A person must not engage in: (a) conduct prejudicial to the image, interests, integrity, or welfare of racing, whether or not that conduct takes place within a racecourse or elsewhere;
Particulars of Charge:	Ms Amy Graham, a licensed Apprentice Jockey with the Queensland Racing Integrity Commission, in contravention of Australian Rule of Racing AR228(a) engaged in conduct detrimental to the image of racing. 1. Ms Amy Graham was at all relevant times a licensed Apprentice Jockey with the Queensland Racing Integrity Commission.

2. On 16 November 2024, you attended a gathering at your residential premises, whereby you were recorded consuming cocaine.
3. The Recording has been reported in the media, identifying you as a licensed Apprentice Jockey.
4. Ms Grahams's conduct consuming cocaine while being filmed was detrimental to the image of racing and accordingly in breach of AR228(a).

Plea: Not Guilty

Charge 2: Australian Rule of Racing ("AR") 232(i) states:

AR 232 Failure to observe processes and directions of PRAs or Stewards

A person must not:

(i) give any evidence at an interview, investigation, inquiry, hearing and/or appeal which is false or misleading

Particulars of Charge: Ms Amy Graham, a licensed Apprentice Jockey with the Queensland Racing Integrity Commission, in contravention of Australian Rule of Racing AR232(i) gave evidence at a Steward's inquiry on 22 September that was false.

1. When questioned at a Stewards' inquiry on 22 September 2025 in relation to who consumed cocaine at Ms Graham's private residence on 16 November 2024, Ms Graham was asked by Mr Zimmermann:

Mr Zimmermann: "Ms Graham you stated there was three persons who ingested the cocaine, to your best recollection, are they the three including yourself? Are they the two other persons?"

Ms Graham: "Yes Sir."

Mr Zimmermann: "So that will be referencing 2.1" (exhibit 2.1 is a photo of Apprentice Amy Graham, Jockey Casey Waddell and unlicensed person Poppy Avidson).

Ms Graham: "Yes Sir."

2. The evidence of Ms Graham was false because a video was captured of Ms Graham standing next to Ms Wilcock who was consuming cocaine at Ms Graham's private residence on 16 November 2024.

Plea: Not Guilty

Plea Submissions:

Counsel for Ms Amy Graham submitted that Ms Graham had not breached any Australian Rule of Racing and should not have been charged under AR 228(a) or AR 232(i).

It was accepted that on 16 November 2024, Ms Graham used cocaine while at her private residence with friends. However, the conduct occurred in her own home while on holidays, she did not film or request to be filmed, did not authorise any recording or publication, and submitted that she expressly asked the person responsible to delete the recording. The subsequent dissemination of the recording was outside her control.

It was submitted that Ms Graham advised the Stewards upon becoming aware of the recording.

Relying on *Racing Victoria v Jamie Kah* (Victoria Racing Tribunal, 15 December 2023), it was argued that where a participant neither knew of or authorised the recording or publication of private conduct, the objective element of bringing racing into disrepute is not met. Ms Graham's behaviour was described as "stupid and reckless" but not conduct that, viewed objectively, had the natural tendency to prejudice the image of racing.

Regarding the charge under AR 232(i), it was submitted that inconsistencies in Ms Graham's evidence were due to the passage of ten months since the event and not a deliberate attempt to mislead. Given the social context of the evening, it was unrealistic to expect precise recollection of each person's actions. Ms Graham's honesty was evidenced by her voluntary admission of her own drug use.

Counsel further submitted that under the *Human Rights Act 2019* (Qld), QRIC, as a public entity, must act compatibly with Ms Graham's right to privacy (s 25). Disciplinary action for private conduct within her home, without intention of public dissemination, would constitute an unjustified interference with that right.

Stewards' Findings:

Charge 1 – AR 228(a)

In determining whether the conduct was prejudicial, the Stewards applied the same principle as that in *Pollett v Racing New South Wales* (2021) NSWCA 233: that being that it is not necessary to prove that the industry was in fact brought into disrepute. It is sufficient that,

viewed objectively, the conduct has a natural tendency to diminish public confidence in racing and that there is an element of public knowledge through publication or distribution.

On the evidence, Ms Graham was clearly identifiable in the video. The Stewards were satisfied that she was aware she was being filmed on a smart device. This distinguished the matter from *Kah*, where the participant was unaware that any recording or dissemination would occur. The footage involving Ms Graham was later distributed and published in the public domain, which satisfied the element of public knowledge identified in *Pollett*.

When considered in totality, the conduct depicted in the footage, together with its publication identifying a licensed jockey, had the objective tendency to prejudice the image and integrity of racing. Applying the *Briginshaw* standard, the **Stewards were comfortably satisfied that Australian Rule of Racing 228(a) had been proven and found Ms Graham guilty.**

Charge 2 – AR 232(i)

At the inquiry on 22 September 2025, Ms Graham was asked who had consumed cocaine at her residence on 16 November 2024 and stated that only the three persons in Exhibit 2.1, including herself, had done so. Video evidence demonstrated that an additional person also consumed cocaine.

The question posed to Ms Graham was direct and central to the inquiry's purpose. After considering the clarity of the question, the importance of the topic, the definitiveness of her answer, and the strength of the contradictory visual evidence, the Stewards were comfortably satisfied that the evidence given was deliberately and intentionally untrue. The Stewards found that this was more than a mere error in recollection. Applying the *Briginshaw* standard, the **Stewards were comfortably satisfied that Australian Rule of Racing 232(i) was proven and found Ms Graham guilty.**

Human Rights Considerations

The Stewards acknowledged that the *Human Rights Act 2019* (Qld) protects the right to privacy and reputation under section 25, but that right is not absolute. Under section 13, human rights may be lawfully and reasonably limited when justified by a legitimate and proportionate purpose.

The *Racing Integrity Act 2016* (Qld) and the Australian Rules of Racing exist to maintain public confidence and integrity within the racing industry. When private conduct becomes public and demonstrably impacts the sport's reputation, disciplinary action represents a proportionate and justified limitation on the right to privacy.

The Stewards were therefore satisfied that, while Ms Graham's right to privacy was engaged, the decision to charge and determine these matters was compatible with the *Human Rights Act 2019* (Qld). The limitation on her right to privacy was lawful, reasonable, and necessary to protect the integrity and reputation of the Queensland racing industry.

Submissions on Penalty:

Counsel for Ms Graham submitted that any penalty should be approached on a concurrent basis and should take into account the significant mitigating circumstances of Ms Graham's offending conduct.

It was submitted that Ms Graham has already served an effective penalty, having been stood down from riding since 13 September 2025, resulting in a loss of income of approximately \$16,000. During this period she has continued to work in a reduced capacity and undertaken a Drug and Alcohol education program to demonstrate rehabilitation and insight.

Counsel noted that the conduct occurred while Ms Graham was on holidays, within the privacy of her own home, during a birthday gathering. She was not engaged in race riding or trackwork duties at the time. Importantly, she did not film or authorise any recording or publication of the material, and the dissemination occurred only after she had sought assistance from QRIC in June 2025.

The Stewards were asked to consider character references which demonstrate that Ms Graham is remorseful and has a strong commitment to reform and professionalism.

It was further submitted that Ms Graham has already suffered reputational and financial consequences far greater than any formal sanction could impose. To add further penalty would, in effect, reward those who acted maliciously in publicising the footage. Reference was made to *Legal Services Commissioner v Corey Wayne Cullen* [2020] QCAT 439, in which a legal practitioner was found to be in possession of cocaine when exiting a courthouse, was reprimanded and subjected to testing rather than excluded from practice.

For these reasons, Counsel submitted that no further suspension or disqualification should be imposed and that the matter should be finalised having regard to the significant penalties already incurred through loss of work, income, and reputation.

Stewards Penalty Determination.

Stewards have considered the nature and seriousness of both offences, the mitigating circumstances, and the personal impact already experienced by Ms Graham.

While the conduct occurred in a private setting, the subsequent publication of the footage identifying Ms Graham as a licensed participant has prejudiced the image and reputation of the racing industry. The Stewards are satisfied that Ms Graham had knowledge that the act of consuming cocaine was being filmed, and, based on the contradictory evidence provided regarding who filmed the video, are not satisfied that any genuine request was made to delete the recording. Although the Stewards accept that Ms Graham did not personally disseminate the footage, the fact that the conduct became public necessarily engages the integrity obligations imposed upon all licence holders.

The false evidence provided to the Stewards was deliberate and went to the core of the inquiry's fact-finding function. Such conduct undermines the integrity of the disciplinary process and warrants a significant penalty.

Stewards have considered Ms Graham's cooperation, remorse, steps toward rehabilitation, and time already served under suspension.

Stewards have also considered the matter of *Cullen*, which can be distinguished from Ms Graham's as it involved the possession of cocaine, not use, in which Mr Cullen was found to have engaged in unsatisfactory professional conduct resulting in Mr Cullen being reprimanded and subjected to a testing regime rather than excluded from legal practice. Stewards acknowledge that disciplinary principles from other professional jurisdictions may provide general guidance regarding proportionality and deterrence.

Unlike the legal profession, racing participants hold a licence that entitles them to perform in a publicly regulated environment where perception and reputation are critical to the industry's standing.

The mitigating circumstances in *Cullen* included Mr Cullen's cooperation with authorities, early plea of guilty to the criminal charge, remorse, and steps taken to address underlying mental health and substance issues.. In contrast, Ms Graham pleaded not guilty and provided false evidence to the Stewards. These features substantially elevate the seriousness of the matter within the racing disciplinary context.

Human Rights

In considering this matter, proper consideration is required of Ms Graham's human rights, and the necessity to act compatibly with human rights in accordance with the *Human Rights Act 2019* (Qld). The Stewards acknowledge that any penalty imposed upon Ms Graham may limit or prevent her from earning a living from the racing industry and subsequently that the imposition of such a penalty may limit Ms Graham's 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 Ms Graham'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 Ms Graham's licence or to disqualify Ms Graham from the industry.

In the circumstances of this case, the Stewards are satisfied that there is no lesser penalty that could be imposed that enables the purposes of taking disciplinary action against a Ms Graham 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

In determining the appropriate penalty, the Stewards have considered the seriousness of the offences, the need for both specific and general deterrence, the personal circumstances of Ms Graham, and all relevant mitigating factors.

Charge 1 – AR 228(a)

The Stewards determined that a starting point of six (6) months suspension of licence was appropriate. Under Australian Rule of Racing 283(5), the Stewards order that such suspension is itself to be suspended after four (4) months for an operational period of two (2) years during which Ms Graham must not commit another offence of a similar nature.

Charge 2 – AR 232(i)

The Stewards determined that Ms Graham's licence be suspended for a period of three (3) months.

Acting under Australian Rule of Racing 283(4), the Stewards order that the penalties be served concurrently.

The period of suspension is to be backdated to commence on 14 September 2025, being the date on which Ms Graham was initially stood down, and to conclude 14 January 2026.

Ms Amy Graham is advised of her right to appeal this decision to the Queensland Racing Appeals Panel within three (3) business days pursuant to section 252AB(2) of the *Racing Integrity Act 2016* (Qld).