

**ACT Racing Appeals Tribunal**

***JOSEPH & JONES RACING V CANBERRA RACING CLUB INC*.**

**ORDERS OF THE TRIBUNAL MADE ON 1 AUGUST 2019**

On Tuesday 30 July 2019, the ACT Racing Appeals Tribunal (the Tribunal), constituted by the President, Mr John Kalokerinos, the Deputy President Mr Andrew Satsia and Member Mr Paul Barrett, determined the matter of *Joseph & Jones Racing v Canberra Racing Club Inc*.

Joseph & Jones Racing (the partnership) appealed from a decision following an inquiry held on 23 May and 26 June 2019 by the Stewards, into the death of a four year old horse named *I Am Rocky* on Sunday 24 February 2019, in the care of the partnership comprising Ms Barbara Joseph, Mr Paul Jones and Mr Matthew Jones. A necropsy report revealed that the horse died from a colitis-related illness.

The partnership pleaded guilty to two charges under the Australian Rules of Racing. The first charge was under rule 103(4)(b) which provides: *“The trainer of a horse must lodge a stable return immediately upon a horse joining a trainer’s stable.”* The horse had been in active work in the partnership’s stable for approximately 9 weeks. The penalty applied for the breach of rule 103 was a fine of $200. The second charge was under rule 231(1)(b)(iii), which provides that *“A person must not, if the person is in charge of a horse – fail at any time to provide veterinary treatment to the horse where such treatment is necessary for the horse.”* The penalty applied for the breach of rule 231 was a suspension of the partnership’s training licence for four (4) months. The severity of the penalty for the second charge was the subject of the appeal.

The Tribunal considered the evidence and the submissions made on behalf of both parties. The Tribunal noted that it was the first breach of rule 231 for the members of the partnership, including Ms Joseph with a 45 year career as a trainer, the plea of guilty and the contrition expressed by all three members. The Tribunal also noted the partnership’s standing in the racing community, its admirable charity work, its financial circumstances, the number of staff reliant on the partnership and the potential significant financial hardship and job losses that could result from a suspension.

However, the Tribunal found that the relevant conduct required a significant penalty to be imposed and that a suspension rather than a fine was warranted. Rule 231(1)(b)(iii) reflects the fundamental responsibility of trainers to arrange necessary veterinary treatment for horses in their care. The Tribunal found that the penalty to be imposed in this matter should reinforce the message that high standards of animal welfare are required by the racing industry and are expected by the broader community.

In relation to the breach of rule 231(1)(b)(iii), after submissions by both parties consenting to such orders, the Tribunal makes the following orders:

1. The penalty of four (4) months suspension of the licence of the partnership comprising Ms Barbara Joseph, Mr Paul Jones and Mr Matthew Jones is confirmed.
2. Noting rule 98(6) of the Australian Rules of Racing, the final three (3) months suspension of the licence of Ms Barbara Joseph is stayed on the basis of lesser culpability compared to the other members of the partnership.
3. These orders are to take effect from Thursday 8 August 2019, with the periods of suspension of Ms Barbara Joseph, Mr Paul Jones and Mr Matthew Jones to commence from that day.

The Tribunal orders that each party is to bear its own costs.