

## STEWARDS DECISION

OFFICE OF RACING INTEGRITY  
and  
Ms BELLA LEE

Date of hearing: 6<sup>th</sup> February 2024

Stewards Panel: Bruce Free (Chair); Dominic Tyson and Tracy Canham

Present: Ms Bella Lee

Rule: Australian Rules of Racing AR139(1)(a)

Charge: That on Thursday 2<sup>nd</sup> February, 2023 at the Brighton Racecourse, Bella Lee, a Stable hand and Trackwork rider who, having been requested by a Stipendiary Steward to supply a sample of her urine which was found, upon analysis, to indicate the presence of 11-nor-delta-9-tetrahydrocannabinol-9-carboxylic acid, committed a breach of Rule AR136(1) of the Australian Rules of Racing, and that you are thereby liable to the penalty or penalties which may be imposed upon you pursuant to the provisions of Rule AR283 of the said Rules.

Plea: Admitted

### 1. Background.

- (a) On Thursday 2<sup>nd</sup> February, 2023 Office of Racing Integrity Stewards conducted workplace drug testing at Brighton Racecourse.
- (b) Ms Lee was one of the persons selected to be tested.
- (c) Ms Lee was required to provide a sample of her urine. The sampling being conducted by Office of Racing Integrity Stewards.
- (d) That sample was given the unique number 203742.
- (e) On Tuesday 20<sup>th</sup> February 2023 Racing Analytical Services Limited (RASL) confirmed the presence of 11-nor-delta-9-tetrahydrocannabinol-9-carboxylic acid in sample number 203742, being the urine sample provided by Ms Lee.
- (f) Ms Lee subsequently provided a clear sample.

### 2. Respondents Penalty Submissions

For her part Ms Lee readily accepts she made a regrettable choice in consuming an illicit substance, namely 11-nor-delta-9-tetrahydrocannabinol-9-carboxylic acid. Ms Lee informed the Panel that it was a one-off incident and she accepts she made a regrettable choice in using cannabis. Ms Lee submitted that as a consequence being stood down from riding, she has lost her sole income. Ms Lee expressed her desire to participate in the industry in some way as soon as possible.

### 3. Penalty

Turning to the matter of penalty the Stewards are cognisant of the following Sentencing Principles –

- (i) That penalties are designed to punish the offender for his/her wrongdoing. They are not meant to be retributive in the sense that the punishment is disproportionate to the offence, but the offender must be met with a punishment.
- (ii) That in a racing context it is very important that a penalty has the effect of deterring others from committing similar offences through the consideration of both general and specific deterrence.
- (iii) That penalties imposed upon those offending the prohibited substance rules should reflect the industry's disapproval of drugs being detected in those persons actively involved in the care and training of racehorses.
- (iv) The need to rehabilitate the offender should also be factored into the outcome.

### 4. Contributory Factors

Ms Lee has been fully co-operative with the Stewards throughout the process. She has admitted her wrongdoing and accepted full responsibility for her actions. Ms Lee's record demonstrates no previous breaches of the prohibited substances rule. Importantly, we acknowledge Ms Lee's personal circumstances which we find are relevant with respect to penalty.

### 5. Penalty Discussion:

When searching for comparable penalties imposed for breaches of AR 139 (1)(a) Racing Australia records demonstrate wide divergence in the approach taken by individual racing authorities. The penalties imposed for cannabis, in the main, ranging from 4 weeks through to 6 months, and either a suspension or disqualification. When considering a starting point, the panel has had regard to not only the sentencing principles detailed above, but also the seriousness of the offending; industry expectations; and the need to protect the industry from unnecessary risk. Given all factors we determine that the starting point in this matter should be a suspension of Ms Lee's licence for a period of three months. In consideration of penalty the Stewards recognise that Ms Lee was stood down from riding for a period of ten weeks, between the time the Office of Racing Integrity was advised of the result of sample 203742 and the time the results of the clearance sample was received from RASL.

### 6. Outcome

Ms Lee is suspended for a period of twelve weeks, with eight weeks of this penalty being wholly suspended for two years pending no further breaches of this, or similar rules. The effective dates of the suspension being 6<sup>th</sup> February 2024 to 5<sup>th</sup> March 2024. The suspended component of the penalty holding Ms Lee accountable, and to encourage in her a sense of responsibility for her actions, and to deter her, and others from committing the same or similar offences.

In determining penalty, the Panel has had regard to the following:

- Ms Lee's plea of guilty to the charge at the earliest available opportunity and cooperation throughout the inquiry.
- Ms Lee's disciplinary history, noting no prior breaches of a similar rule.

- The nature of the prohibited substance, being cannabis.
- The need to maintain the integrity of thoroughbred racing and to ensure a level playing field for all participants.
- The time served by Ms Lee whilst awaiting the outcome of the clearance sample.

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