

## STEWARDS DECISION

### OFFICE OF RACING INTEGRITY

and

### TAMMY LANGLEY

- Decision Date:** 26.06.24
- Stewards Panel:** Neil Finnigan (Chair); Roger Brown, Michael Castillo.
- Respondent:** Tammy Langley.
- Rule:** Australian Harness Rules of Racing  
AHR Rule 190(1)
- Charge 1:** Tammy Langley, being the trainer of LORIMERTYRRELL, did present the horse to race at the Burnie Pacing Club's meeting held on Friday 27 October 2023, when a urine sample taken from LORIMERTYRRELL, upon analysis was found to contain the prohibited substance aminorex.
- Plea:** Guilty
- Inquiry Decision:** \$2500 Fine
- Charge 2:** Tammy Langley, being the trainer of SNEAKY PEAK, did present the horse to race at the Launceston Pacing Club's meeting held on Sunday 17 December 2023, when a urine sample taken from SNEAKY PEAK, upon analysis was found to contain the prohibited substance aminorex.
- Plea:** Guilty
- Inquiry Decision:** \$2500 Fine
- Charge 3:** Tammy Langley, being the trainer of RACKEMUP TIGERPIE, did present the horse to race at the Tasmanian Trotting Club's meeting held on Sunday 28 January 2024, when a urine sample

taken from RACKEMUP TIGERPIE, upon analysis was found to contain the prohibited substance aminorex.

**Plea:** Guilty

**Inquiry Decision:** \$4000 Fine

**Charge 4:** Tammy Langley, being the trainer of IMA SOCIALITE, did present the horse to race at the Launceston Pacing Club's meeting held on Friday 2 February 2024, when a urine sample taken from IMA SOCIALITE, upon analysis was found to contain the prohibited substance aminorex.

**Plea:** Guilty

**Inquiry Decision:** \$4000 Fine

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## 1. Background

### 1.1 Charge 1 – LORIMERTYRRELL – 27 October 2023 – Burnie Pacing Club

- (a) The respondent, Tammy Langley, is an A Grade licensed trainer under the Australian Rules of Harness Racing.
- (b) Ms Langley has held a trainer's licence since September 2020.
- (c) LORIMERTYRRELL was correctly entered for and presented to race in Race 7 at the Burnie Pacing Club's meeting on Friday 27<sup>th</sup> October 2023.
- (d) LORIMERTYRRELL placed 1<sup>st</sup> in the event.
- (e) LORIMERTYRRELL starting price was \$10.20
- (f) LORIMERTYRRELL was routinely swabbed as winner of the event which was undertaken by Office of Racing Integrity Steward Ms B Hine. Mr Phillip Ford presented the horse and witnessed the sampling process. The sampling process was not contested.
- (g) The collection of the sample was concluded at 9:30pm with the sample being allocated the unique number V781716.
- (h) On the 15<sup>th</sup> December 2023, Racing Analytical Services Limited (RASL) issued a Certificate of Analysis reporting that *aminorex* had been detected in sample V781716 taken from LORIMERTYRRELL on the 27<sup>th</sup> October 2023.
- (i) RASL advised the reserve portion of the sample had been forwarded to Australian Racing Forensic Laboratory (ARFL) in NSW for referee analysis.

- (j) The outcome of the reserve sample was provided by ARFL on the 11<sup>th</sup> January 2024. ARFL confirmed the presence of *aminorex*.
- (k) On the 16<sup>th</sup> of April 2024, RASL confirmed testing of plants from the property where LORIMERTYRRELL was stabled did contain the prohibited substance *aminorex*.
- (l) On the 6<sup>th</sup> June 2024, Office of Racing Integrity Chief Harness Steward issued a charge under the provisions of AHR Rule 190(1) which states:

***“A horse shall be presented for a race free of prohibited substances”***

### **1.2 Charge 2 – SNEAKY PEAK – 17 December 2023 – Launceston Pacing Club**

- (a) The respondent, Tammy Langley, is an A Grade licensed trainer under the Australian Rules of Harness Racing.
- (b) Ms Langley has held a trainer’s licence since September 2020.
- (c) SNEAKY PEAK was correctly entered for and presented to race in Race 9 at the Launceston Pacing Club meeting on Sunday 17<sup>th</sup> December 2023.
- (d) SNEAKY PEAK placed last of twelve(12) in the event.
- (e) SNEAKY PEAK starting price was \$1.85 favourite
- (f) SNEAKY PEAK was pre-race swabbed which was undertaken by Office of Racing Integrity Steward Ms C Ellson. Mr Mitch Ford presented the horse and witnessed the sampling process. The sampling process was not contested.
- (g) The collection of the sample was concluded at 9:30pm with the sample being allocated the unique number V820022.
- (h) On the 18<sup>th</sup> January 2024, Racing Analytical Services Limited (RASL) issued a Certificate of Analysis reporting that *aminorex* had been detected in sample V820022 taken from SNEAKY PEAK on the 17<sup>th</sup> December 2023.
- (i) RASL advised the reserve portion of the sample had been forwarded to Australian Racing Forensic Laboratory (ARFL) in NSW for referee analysis.
- (j) The outcome of the reserve sample was provided by ARFL on the 22 February 2024. ARFL confirmed the presence of *aminorex*.
- (k) On the 16<sup>th</sup> of April 2024, RASL confirmed testing of plants from the property where SNEAKY PEAK was stabled did contain the prohibited substance *aminorex*.
- (l) On the 6<sup>th</sup> June 2024, Office of Racing Integrity Chief Harness Steward issued a charge under the provisions of AHR Rule 190(1) which states:

***“A horse shall be presented for a race free of prohibited substances”***

**1.3 Charge 3 – RACKEMUP TIGERPIE – 28 January 2024 – Tasmanian Trotting Club**

- (a) The respondent, Tammy Langley, is an A Grade licensed trainer under the Australian Rules of Harness Racing.
- (b) Ms Langley has held a trainer's licence since September 2020.
- (c) RACKEMUP TIGERPIE was correctly entered for and presented to race in Race 6 at the Tasmanian Trotting Club's meeting on Sunday 28<sup>th</sup> January 2024.
- (d) RACKEMUP TIGERPIE placed 1<sup>st</sup> in the event.
- (e) RACKEMUP TIGERPIE starting price was \$5.50
- (f) RACKEMUP TIGERPIE was routinely swabbed as winner of the event which was undertaken by Office of Racing Integrity Steward Ms T Canham. Mr J White presented the horse and witnessed the sampling process. The sampling process was not contested.
- (g) The collection of the sample was concluded at 9:30pm with the sample being allocated the unique number V814071.
- (h) On the 28<sup>th</sup> February 2024, Racing Analytical Services Limited (RASL) issued a Certificate of Analysis reporting that *aminorex* had been detected in sample V814071 taken from RACKEMUP TIGERPIE on the 28<sup>th</sup> January 2024.
- (i) RASL advised the reserve portion of the sample had been forwarded to Australian Racing Forensic Laboratory (ARFL) in NSW for referee analysis.
- (j) The outcome of the reserve sample was provided by ARFL on the 15<sup>th</sup> April 2024. ARFL confirmed the presence of *aminorex*.
- (k) On the 16<sup>th</sup> of April 2024, RASL confirmed testing of plants from the property where RACKEMUP TIGERPIE was stabled did contain the prohibited substance *aminorex*.
- (l) On the 6<sup>th</sup> June 2024, Office of Racing Integrity Chief Harness Steward issued a charge under the provisions of AHR Rule 190(1) which states:

***“A horse shall be presented for a race free of prohibited substances”***

**1.4 Charge 4 – IMA SOCIALITE – 2 February 2024 – Launceston Pacing Club**

- (a) The respondent, Tammy Langley, is an A Grade licensed trainer under the Australian Rules of Harness Racing.
- (b) Ms Langley has held a trainer's licence since September 2020.

- (c) IMA SOCIALITE was correctly entered for and presented to race in Race 3 at the – Launceston Pacing Club’s meeting on Friday 2<sup>nd</sup> February 2024.
- (d) IMA SOCIALITE placed 1<sup>st</sup> in the event.
- (e) IMA SOCIALITE starting price was \$1.45 favourite.
- (f) IMA SOCIALITE was routinely swabbed as winner of the event which was undertaken by Office of Racing Integrity Steward Ms M Robinson. Mr Jakob White presented the horse and witnessed the sampling process. The sampling process was not contested.
- (g) The collection of the sample was concluded at 9:30pm with the sample being allocated the unique number V814791.
- (h) On the 6<sup>th</sup> March 2024, Racing Analytical Services Limited (RASL) issued a Certificate of Analysis reporting that *aminorex* had been detected in sample V814791 taken from IMA SOCIALITE on the 2<sup>nd</sup> February 2024.
- (i) RASL advised the reserve portion of the sample had been forwarded to Australian Racing Forensic Laboratory (ARFL) in NSW for referee analysis.
- (j) The outcome of the reserve sample was provided by ARFL on the 15<sup>th</sup> of April 2024. ARFL confirmed the presence of *aminorex*.
- (k) On the 16<sup>th</sup> of April 2024, RASL confirmed testing of plants from the property where IMA SOCIALITE was stabled did contain the prohibited substance *aminorex*.
- (l) On the 6<sup>th</sup> June 2024, Office of Racing Integrity Chief Harness Steward issued a charge under the provisions of AHR Rule 190(1) which states:

***“A horse shall be presented for a race free of prohibited substances”***

## **2. Submissions of the Respondent**

- 2.1 Trainer Langley submitted she believed the plant problem she had experienced in June 2021, which brought about a similar finding, had been eradicated, and was no longer an issue on her property.
- 2.2 Trainer Langley could offer no reason other than the toxic weeds on her property caused the adverse laboratory findings.
- 2.3 Trainer Langley submitted that she had taken steps to remove horses from the infested yards, keeping her race horses in stables leading up to races.
- 2.4 Trainer Langley submitted she had made efforts to eradicate the infestation of the weeds, including seeking advice from an agronomist.
- 2.5 Trainer Langley submitted that after taking the advice, and acting on it, she has had multiple swabs taken with no positive findings.

### **3. Penalty Approach**

#### **3.1 Sentencing Principles –**

- 3.1.1 Penalties are designed to punish the offender for their wrongdoing. Penalties 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.
- 3.1.2 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.
- 3.1.3 Penalties imposed upon those offending the prohibited substance rules should reflect the industry's disapproval of drugs being detected in horses.

#### **3.2 Stewards Approach**

- 3.2.1 The Stewards have resolved to approach the matter of penalty from the perspective of the desirability of consistency with previous penalties in dealing with similar offenders committing similar offences in similar circumstances.
- 3.2.2 We are guided in our approach to penalty by those imposed, not only in Tasmania, but also within other Australian jurisdictions.
- 3.2.3 With respect to this matter, Stewards have adopted a \$2500 fine as a starting point. This being consistent with penalties handed down for similar offences in Tasmania.

### **4. Respondents Penalty Submissions**

- 4.1 Ms Langley submitted she had been vigilant since her 2021 setback, believing she was on top of the problem.
- 4.2 Ms Langley submitted that the findings had come about due to the toxic weeds on her property.
- 4.3 Ms Langley submitted that the weeds on her property have been confirmed, by RASL to contain *aminorex*.
- 4.4 Ms Langley submitted that she had altered her yard set-up on her property so as to avoid the area where she believed the weeds to be.
- 4.5 Ms Langley submitted that she believes she is on top of the problem through the spraying and scarifying of the yards, she submits that swabs taken from her horses of recent would suggest as much.
- 4.6 On the matter of penalty, Ms Langley submitted if there is to be a penalty, that her preference would be one of a fine, a suspension would be a significant

penalty as she has recently increased her stable size, and in her view the adverse findings came about through contamination via the toxic weeds.

## **5 Penalty Discussion:**

- 5.1 The Prohibited Substance Rules impose an absolute obligation on trainers to ensure that they present their runners free of prohibited substances.
- 5.2 In consequence, trainers must take all reasonable steps, and must take proper care, always, to avoid presenting a horse which could give rise to an adverse test result.
- 5.3 Resultantly, where there is a breach of the drug rules, trainers must expect substantial penalties, because every time a racing animal is presented to race with a prohibitive substance in its metabolism, then the integrity of not only, as in this case, Harness Racing, but racing in general is compromised.
- 5.4 In this matter we approach the imposition of penalty on the basis that the *aminorex* finding was not intentional. However, as admitted by Ms Langley, the onus under AHR Rule 190(1) is on the trainer to present a horse free of any prohibited substance, the rule is absolute. Hence the respondents' admission of the breach.
- 5.5 In fixing penalty, we have regard to the need to uphold the integrity of racing, not only in Harness Racing, but in all codes of racing. Penalty precedents have long been at the forefront of disciplinary decision-making, albeit with each case being decided on its own merits. It is wrong to suggest otherwise. Accordingly, the penalty that is imposed upon the respondent must be at a level that protects the public by encouraging the highest of standards of professional behaviour and that the respondent is dealt in a fair and just manner.

## **6 Factors in consideration of penalty.**

In determining the appropriate penalty, the Stewards recognise the following factors in mitigation, and which are relevant to penalty discussions.

- 6.2 (1) Ms Langley has admitted a charge of presenting LORIMERTYRRELL with *aminorex* in the horse's system.
- (2) Ms Langley has admitted a charge of presenting SNEAKY PEAK with *aminorex* in the horse's system.
- (3) Ms Langley has admitted a charge of presenting RACKEMUP TIGERPIE with *aminorex* in the horse's system.
- (4) Ms Langley has admitted a charge of presenting IMA SOCIALITE with *aminorex* in the horse's system.

- 6.3 Stewards believe it to be most probable that Ms Langley did not intentionally present LORIMERTYRRELL, SNEAKY PEAK, RACKEMUP TIGERPIE and IMA SOCIALITE to race with *aminorex* in the horse's system and thereby accept that the findings were most likely brought about by the ingesting of toxic weeds which were proven to be found on the property, this is supported by the RASL findings.
- 6.4 However, every time a horse is presented to race with a prohibitive substance in its metabolism then the integrity of not only Harness Racing but racing in general is compromised.
- 6.5 Stewards recognise the following factors in mitigation, and which are relevant to penalty discussions.
- (a) Ms Langley's and support team's cooperation throughout the investigation.
  - (b) Ms Langley's guilty pleas.
  - (c) Ms Langley's record since being licenced as a trainer. Which includes a previous breach in 2021.

## **7 Outcome – Stewards make the following findings:**

Charge 1 - The Stewards have identified no aggravating factors which would necessitate an increase from the starting point, charge 1, nor a decrease from the starting point due to Ms Langley's previous breach. A fine of \$2500 is imposed.

Charge 2 – The Stewards have not moved away from the penalty imposed for that of charge 1 as it is reasonable that with the notification of the discrepancy re charge 1 and the race in question was two(2) days, thereby not affording Ms Langley time to do due process on researching possible causes for the adverse findings. A fine of \$2500 is imposed.

Charge 3 – The Stewards increased the penalty from that of Charges 1 and 2, as Ms Langley needed to be more aware of her contamination problem and take appropriate precautions, also of consideration is the prestige of the Hobart Pacing Cup. A fine of \$4000 is imposed.

Charge 4 – Stewards kept the penalty the same as that for charge 3 as trainer Langley had shown by this stage to seek advice and act upon it. Further as indicated above, since this finding, no other issues have arisen from multiple swabs taken from her stable representatives. A fine of \$4000 is imposed.

## **8 Disqualification Of Horses**

It is mandatory that if a horse competes in a race and is found to have competed with a prohibited substance in its system that it must be disqualified from that race.

AHR Rule195 reads ....



*“A horse which has been presented for a race shall be disqualified from it if blood, urine, saliva, or other matter or sample or specimen taken from the horse is found to contain a prohibited substance”.*

As a consequence, Stewards make the following directions: -

8.1 LORIMERTYRRELL be disqualified from its first placing from Race 7 at the Burnie Pacing Club on 27<sup>th</sup> October 2023.

8.2 SNEAKY PEAK be disqualified from its twelfth (and last) placing from Race 9 at the Launceston Pacing Club on 17<sup>th</sup> December 2023.

8.3 RACKEMUP TIGERPIE be disqualified from its first placing from Race 6 at the Tasmanian Trotting Club’s meeting on 28<sup>th</sup> January 2024.

8.4 IMA SOCIALITE be disqualified from its first placing from Race 3 at the Launceston Pacing Club’s meeting on 2<sup>nd</sup> February 2024.

8.5 Placings to be amended to show the respective disqualifications.

## **9. Appeal**

Ms Langley was advised of her right of appeal.

**Decision Date:** 26<sup>th</sup> June 2024