

TRNT Stewards Report – Thursday 9 May, 2024

Panel: D Hensler (Chairman), R Hamilton
Venue: Stewards' Room, Darwin Turf Club

On Friday 4 April, 2024 TRNT Stewards interviewed licensed trainer Garry Lefoe in relation to him being charged with two indictable criminal offences following an incident in Alice Springs on 30 March, 2024. At the completion of this interview, he was directed to provide a urine sample to be analysed for the presence of banned substances.

On Tuesday 9 April, 2024 Garry Lefoe was advised that the TRNT Stewards, acting under the provisions of AR23(a) had determined to suspend his license pending the hearing and determination of the two charges.

He was advised of his right of appeal to the NT Racing Appeal Tribunal.

On Wednesday 8 May, 2024, TRNT Stewards conducted an inquiry into the Australian Racing Forensic Laboratory (ARFL) analyst's report of the urine sample provided by trainer Garry Lefoe at the Alice Springs Turf Club on 4 April, 2024.

Garry Lefoe subsequently pleaded guilty to a charge under AR140(1)(a).

The specifics of the charge being:

1. On 4 April, 2024 he was licensed as a trainer with TRNT and therefore classified as a horse handler under the Australian Rules of Racing - AR2
2. At the direction of the Stewards and in accordance with AR22(1)(i) he did provide a urine sample for testing
3. A banned substance under AR137(1)(c), namely cannabis was detected in that urine sample

In determining a penalty, the Stewards took into account the following:

- The circumstances that led to the direction to provide a sample
- The nature of the banned substance
- His plausible explanation for the low detected level
- His guilty plea
- His personal circumstances
- Previous disciplinary history

Garry Lefoe had his license suspended in full for a period of 3 months and was informed of the restrictions of the suspension (AR267). In accordance with AR141(1), the Stewards will stay 6 weeks of this suspension on the condition that by 20 June, 2024 he provides documentation that he has continued with counselling that he had commenced prior to the hearing.

He was advised of his right of appeal to the TRNT Racing Appeals Tribunal.

Australian Rules referred to in this report.

AR 23 Suspension pending the hearing and determination of a charge

Without limiting any other rules or Stewards' powers, if a person has been charged with a breach of the Rules or with the commission of an indictable criminal offence, and if the Stewards are of the opinion that the continued participation of that person in racing might pose an unacceptable risk of prejudicing the image, interests, integrity or welfare of racing, the Stewards may pending the hearing and determination of the charge:

(a) suspend any licence, registration, right or privilege, granted to that person under these Australian Rules;

AR 2 Dictionary

In the interpretation of these Australian Rules (and any race meeting held under them), unless the context requires otherwise, the words and phrases below have the meanings set out in this rule.

horse handler means any licensed person who handles any horse at any race meeting, trial, jump-out or in training. A horse handler includes but is not limited to stablehands, trainers, veterinarians, farriers and barrier attendants.

AR 22 Investigations and inquiries

(1) Without limiting any other Stewards' powers, the Stewards have the following powers in relation to investigations and inquiries:

(i) to take (or cause to be taken) any sample from any horse handler before or after handling any horse at any race meeting, official trial, jump-out or trackwork, where a Steward reasonably suspects that the horse handler is affected by a banned substance under AR 137(1).

AR 140 Offences where horse handlers use banned substances

(1) A horse handler breaches these Australian Rules if:

- (a) a banned substance under AR 137(1) is detected in a sample taken from the horse handler;

AR 137 Banned substances in relation to horse handlers

(1) Unless otherwise stated in these Australian Rules, the following substances and/or their metabolites, artefacts and isomers are specified as banned substances in horse handlers when detected in a urine sample at a concentration above the threshold level in brackets immediately next to the identified banned substance:

- (c) cannabinoids (11-Nor-delta-9-tetrahydrocannabinol-9-carboxylic acid) (15µg/L)

AR 141 Stewards may impose a stay on a banned substance offence penalty

(1) The Stewards may stay the operation of any penalty imposed for a breach of AR 136(1) or AR 137(1) in whole or in part, and for a period of time and under the terms and conditions they think fit.

AR 267 Prohibitions on conduct of trainers during suspension

Unless otherwise authorised by the PRA or the Stewards in whose territory a suspension was imposed on a trainer (and upon such conditions as the PRA or the Stewards may in their discretion impose), a suspended trainer must not, during the period of that suspension:

- (a) as a trainer or permit holder, nominate a horse for a race, official trial or jump-out;
- (b) train, or participate in any way in the training or preparation for racing of, a horse (including without limitation the giving of instructions);
- (c) be registered as a stablehand;
- (d) be employed by, or otherwise engaged to provide any service in any capacity to, any thoroughbred racing stable; or
- (e) enter the mounting yard, scales area or horse stall area at a racecourse, save that a suspended trainer may enter such an area if he or she is the owner of a horse in that area.