

Appeal decision

Hearing date: 20 November 2015

Decision date: 20 November 2015

Code of racing: Harness

Appeal panel: Mr B. Miller (chair), Mr P. James and Mr D. Kays

Appearances: Mr S. Neaves, barrister, appeared on behalf of Mr D. Belford
Ms K. Wolsey, stipendiary steward, appeared on behalf of the stewards.

Decision being appealed: 6 months disqualification – Rule 250(1).

Appeal result: Dismissed.

Extract of proceedings—in the matter of the finding of amphetamines and methamphetamines in a urine sample taken from driver Mr D. Belford during trials at Albion Park on 6 October 2015.

THE CHAIRMAN: We have considered the matter and in respect to the appeal note that the appeal was against penalty and only the penalty. We dismiss the appeal in that respect. The issue however that we are asked to identify and consider is whether or not the usual terms of disqualification should in any way be varied. Mr Neaves has identified all of the facts that are relevant for that purpose, and I won't repeat them here, but suffice to say that the appellant is 25 years of age, has lived at home with his mother and father all of his life. He is not, as one would accept, a child by any means. He is an adult. He is capable of fending for himself, but his view is that he needs some assistance. He needs to be considered as a person who is unlikely to reoffend whilst he remains with his parents, and that is a matter for his mother and father to identify. We accept that that is more likely than not the better course of action that should have been adopted.

We accept however that the natural provisions of a disqualification entail that a person must therefore and thereafter for that period of disqualification not remain in the premises of a licensed area, such as the stables of his father and mother. We are prepared however to utilise our powers of discretion to vary those circumstances, and we propose to do so by extending the special condition of the stay to operate for the period of the disqualification so that Dean Belford can reside in the premises with his mother and father, noting full well what has been said between Mr Kays and Mr Belford senior that more likely than not if he does



attempt to attend the stables he will be visited with a further penalty of disqualification and would be back before this Tribunal.

That is the order of the Tribunal.

Further right of appeal information: The Appellant and the Steward may appeal to the Queensland Civil and Administrative Tribunal (QCAT) within **28 days of the date of this decision**. Information in relation to appeals to QCAT may be obtained by telephone on (07) 3247 3302 or via the Internet at www.qcat.qld.gov.au

