

## APPEAL RESULT

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**DISTRIBUTION:** Chief Executive  
Group Integrity Services  
Group Racing and Group Racing Development  
VJA  
TVN  
Office of Racing  
T Moxon – National Drug Register  
Racing Press

**FROM:** Registrar – Racing Appeals and Disciplinary Board

**DATE:** 8 September 2011

**SUBJECT:** **APPEAL HEARING RESULT – STABLE EMPLOYEE: MICHAEL TELFER**

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**Panel** Judge Russell Lewis (Chair), Mr Brian Forrest (Deputy Chair),  
Professor Raymond Harbridge.

**Appearances** Mr Telfer appeared on his own behalf.  
Mr Brett Wright appeared on behalf of the Stewards.

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At an inquiry on Wednesday 31 August 2011, stable employee Michael Telfer pleaded guilty to a charge under AR 81A(1)(a). The particulars of the charge being that Mr Telfer provided a urine sample at Cranbourne Training Centre on Monday, 8 August 2011 which was found upon analysis to contain cannabis, a banned substance under AR 81B.

Mr Telfer has his stable employee registration relating to riding trackwork and trials suspended for a period of 4 months, commencing on Friday, 19 August 2011 (at which time he was stood down from riding) and expiring at midnight on Monday, 19 December 2011.

Mr Telfer was further suspended from riding trackwork and in trials until such time as he provides a sample that is free of any substance banned under AR 81B.

A Notice of Appeal against **the severity of the penalty** was lodged on Saturday, 3 September 2011.

A stay of proceedings was not requested.

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**DECISION:** **Appeal allowed.**

**Penalty varied – the period of suspension to now expire at midnight on Saturday, 19 November 2011 (3 months).**

**Mr Telfer is required to provide a sample that is free of any substance banned under AR 81B within 21 days prior to 19 November 2011. He is not required to provide written advice that he has attended and undergone a drug counselling program.**

**TRANSCRIPT OF  
PROCEEDINGS**

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**RACING APPEALS AND DISCIPLINARY BOARD**

**HIS HONOUR JUDGE R.P.L. LEWIS, Chairman  
MR B. FORREST  
PROF R. HARBRIDGE**

**EXTRACT OF PROCEEDINGS**

**DECISION**

**STABLE EMPLOYEE: MICHAEL TELFER**

**MELBOURNE**

**THURSDAY, 8 SEPTEMBER 2011**

MR B. WRIGHT appeared on behalf of the RVL Stewards

MR M. TELFER appeared on his own behalf

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CHAIRMAN: This is an appeal against the severity of the penalty imposed by the Stewards, in that Mr Telfer was suspended from riding trackwork and competing in trials for four months, commencing on midnight, 19 August 2011, and expiring at midnight on 19 December 2011.

It was further ordered by the Stewards that Mr Telfer was required to provide a drug-free sample and he was required to provide written advice that he had attended and undergone a drug counselling program.

In this appeal, the Board is of the view that the penalty should be varied for the following reasons: the Board notes the appellant's early plea of guilty, notes his moral contrition and his insight into the problems associated with cannabis use. The Board is satisfied that there is no evidence that Mr Telfer is cannabis dependent, certainly not a regular user. The Board notes that Mr Telfer was cooperative with the Stewards, being prepared to abide by the result of the initial sampling and testing of the sample. The Board regards the prior conviction as being a little ancient, nevertheless significant, since Mr Telfer was in his 20s when that previous infringement occurred.

Although there is no guarantee that Mr Telfer will not reoffend, the evidence suggests to the Board that he has rosy prospects in that regard and will learn as a result of the penalty which will be imposed this day.

It might be said that other cases which have not been decided will of course depend on and turn upon their own facts and circumstances. This case is a case where there are numerous mitigating factors which have been established and the Board would not like it thought that this is a benchmark for other cannabis-related offences.

In the event, the penalty is varied so that the period of suspension expires at midnight on 19 November 2011. Mr Telfer will be required to provide a drug-free sample to Racing Victoria Ltd within 21 days prior to 19 November 2011. That is the extent of the order the Board makes, noting that it follows that Mr Telfer will not be required to provide written advice that he attended and underwent a drug counselling program.

**END OF EXTRACT**