



APPEAL RESULT

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FROM: Registrar – Racing Appeals and Disciplinary Board

DATE: 11 February 2013

SUBJECT: **APPEAL HEARING RESULT – JOCKEY: KANE BRADLEY**

Panel Judge Russell Lewis (Chair), Mr Graeme Johnson, Dr June Smith.

Appearances Mr Peter Jurkovsky appeared on behalf of Mr Bradley.
Mr Brett Wright appeared on behalf of the Stewards.

At a Stewards inquiry on Wednesday 6 February 2013, jockey Kane Bradley pleaded guilty to a charge under AR 81A(1)(a) which reads as follows: *Any rider commits an offence and may be penalised if - a sample taken from him is found upon analysis to contain a substance banned under AR 81B.*

The particulars being that at Mornington racecourse on Tuesday, 1 January 2013 Mr Bradley provided a urine sample which was found on analysis to contain the substance Zopiclone - a medication used for the treatment of insomnia and a banned substance under AR 81B.

Mr Bradley had his licence to ride in races suspended for a period of 3 weeks, commencing Tuesday, 30 January 2013, at which time he was stood down, and expiring at midnight on Wednesday, 20 February 2013.

Mr Bradley provided a sample for clearance to Stewards on 4 February 2013. He was advised that provided this sample is free of any substance banned by AR81B and such advice is received prior to the expiration of his suspension period, he will be free to resume riding track work only, for the remainder of that suspension period.

In determining penalty, Stewards took into account Mr Bradley's guilty plea, his frankness during the course of the inquiry, his personal circumstances and that he failed to provide adequate and readily available information to his medical practitioner prior to being prescribed the medication.

A Notice of Appeal against the severity of the penalty was lodged on Wednesday, 6 February 2013. A stay of proceedings was not requested.

DECISION: Appeal allowed. Penalty varied – the period of suspension to ride in races to now expire at midnight on Friday, 15 February 2013.

The RAD Board was informed that the sample provided by Mr Bradley on 4 February 2013 was found to be clear of banned substances and as such Mr Bradley could resume riding track work.

Georgie Gavin
Registrar - Racing Appeals & Disciplinary Board

**TRANSCRIPT OF
PROCEEDINGS**

RACING APPEALS AND DISCIPLINARY BOARD

**HIS HONOUR JUDGE R.P.L. LEWIS, Chairman
MR G. JOHNSON
DR J. SMITH**

EXTRACT OF PROCEEDINGS

DECISION

JOCKEY: KANE BRADLEY

MELBOURNE

MONDAY, 11 FEBRUARY 2013

MR B. WRIGHT appeared on behalf of the RVL Stewards

MR P. JURKOVSKY appeared on behalf of the Appellant

CHAIRMAN: This is an appeal against the severity of a sentence which was beset with problems before the Board came to hear the case. However, as a result of inquiries which were made by Mr Wright, who appears on behalf of the stewards, of RASL, it now transpires that the sample provided by Mr Bradley on 4 February has been cleared of banned substances and that paves the way then for Mr Bradley to be able to resume trackwork. That order will be made, so that he is entitled to resume trackwork as from tomorrow, 12 February 2013.

The next question is whether the Board should interfere with the penalty imposed by the Stewards in relation to the suspension of Mr Bradley. There is no doubt that the obligation is on the rider to inform him or herself of what substances he or she may take whilst pursuing their career. It is clear that had Mr Bradley acquainted himself with the Rules of Racing, he would have discovered that the substance in question was a banned substance.

On the other hand, it is unusual in that there was no deliberate attempt to hoodwink the Stewards or anything of that kind. Mr Bradley, in good faith, went to a doctor, explained that he was a jockey and was given the substance. This takes it out of the ordinary run of cases. But having said that, the Board has to weigh up the desirability of conforming with the Rules, in fact the importance of complying with the Rules, against other matters which have occurred. It is clear that Mr Bradley is remorseful that he has infringed. More particularly, the Board is concerned that as a married man with children, he has been deprived of his livelihood for some time, not even to be able to be

riding trackwork, and we think that is a matter which should be taken into account.

In all the circumstances, we think that this is a case where the Board should reduce the penalty relating to suspension. So the Board will order that the period of suspension will now expire at midnight on Friday, 15 February 2013.
