

## APPEAL PANEL OF RACING NEW SOUTH WALES

### IN THE MATTER OF THE APPEAL OF LICENSED STABLE HAND AND TRACKWORK RIDER SOPHIE MAYNES

Heard at Racing NSW Offices

Appeal Panel: **Mr L. Vellis - Convenor; Mr J. Rouse; Mr T. O'Callaghan**  
Representatives: **Racing NSW – Mr M. Cleaver, Operations Manager Integrity**  
**Appellant – Mr M. Callanan, Solicitor**  
Date of Hearing: **4 November 2024**  
Date of Reasons and Orders: **4 November 2024**

### REASONS FOR DECISION

1. Licenced stable hand and trackwork rider Ms Sophie Maynes (**Appellant**) provided a urine sample at Tamworth Racecourse on 3 July 2024.
2. On 30 August 2024, Ms Maynes was stood down after Stewards received the certified findings of the Australian Racing Forensic Laboratory analyst that the urine sample she provided was found, upon analysis, to contain a banned substance under AR 136(1), greater than the cutoff permitted under the Australian Rules of Racing (**Rules**).
3. The banned substance was benzoylecgonine (cocaine metabolite) and the amount found was 11 times the cutoff permitted under the Rules.
4. At the Stewards Inquiry held on 13 September 2024 a brief of evidence was tendered, and oral evidence was taken from Ms Maynes. Stewards considered the evidence and issued a charge under AR 139(1). This rule provides as follows:

*AR 139 | Offences where riders use banned substances*

*(1) A rider breaches these Australian Rules if:*

*(a) a banned substance under AR 136(1) is detected in a sample taken from the rider;*  
*or*

*(b) the rider refuses or fails to deliver a sample as directed by the Stewards, tampers with, adulterates, alters, substitutes, or in any way hinders the collection of, a sample or attempts to do any of those things.*

5. Details of the charge issued to Ms Maynes under AR 139(1) were as follows:

*The details of the charge being that licenced stable hand / trackwork rider Ms Sophie Maynes provided a sample of her urine on the morning of 30 July 2024 at Tamworth Racecourse, which was found upon analysis to contain a banned substance under AR 136(1), greater than the cutoff.*

6. At the Stewards' Inquiry held on 13 September 2024 the Appellant pleaded guilty to a charge under AR 139(1). There is no dispute that under the Rules that benzoylecgonine (cocaine) is a banned substance.
7. The Stewards suspended the Appellant's licence in full for a period of eight months, which reduced to six months due to the guilty plea and other factors. Ms Maynes was told that part of the penalty, relating to non-riding stable hand duties, could be reduced by two months if she could provide evidence of satisfactory counselling. The Appellant denied having a drug problem and says she does not take drugs, with this incident being a one-off.
8. The Appellant has appealed to this panel on the ground that she alleges the penalty imposed upon her was too severe. She was represented on his appeal by Mr M. Callanan. The Stewards was represented by Mr M. Cleaver.
9. Mr Cleaver made the following submissions in relation to penalty.
  - a. The offending is objectively serious;
  - b. The starting point for first offending of this kind is in the range of a nine to twelve months suspension or disqualification;
  - c. The discount applied by the Stewards for the early plea is appropriate; and
  - d. The six-month full suspension by which the Appellant was penalised was also appropriate, given the seriousness of the offending.
10. Mr Callanan submitted that:
  - a. The offending here was an aberration;
  - b. Ms Maynes has no relevant prior offences and has already suffered a significant financial burden by the penalty imposed upon her; and
  - c. There is no evidence that the Appellant has a drug problem outside of the positive sample.
11. Mr Callanan tendered evidence showing that the Appellant has attended counselling sessions with Dr. Goldman, a Clinical Forensic Psychologist, who is reporting directly to Racing NSW. There were also numerous character references tendered. Of significance, one reference is from Ms Sue Grills, a longtime trainer that the Appellant has worked for since October 2021..

12. Mr Callanan also noted that the offending here incurred three days prior to the sample being provided and he also reminded the Panel of the Appellant's completely honest and upfront disposition and honesty to the Stewards regarding the offending. Mr Callanan submitted that his client had been penalised enough and should have her suspension reduced to four months for riding and three months for non-riding work.
  13. The panel agrees with Mr Cleaver that the breach of the Rules here is objectively serious. Riders can expect lengthy suspensions or disqualifications if they ride or work with these substances in their system. By doing so, they expose not only themselves but others to additional and unnecessary risks. We are also in general agreement that a nine to twelve months suspension or disqualification should be the starting point for a breach of this rule by first offenders, with a further discount for plea if relevant.
  14. However, the Panel also notes that all appeals have slight differences and nuances. In this matter, the Appellant exhibited a high level of cooperation with Stewards, has gone out of her way to demonstrate that she's not likely to offend again and that she does not have a drug habit. We accept that further offending is unlikely. The fact that the Appellant has worked within the industry for several years without any similar incidents underscores that confidence.
  15. The Panel does not consider that Stewards imposed an excessive penalty, however, we have reached a different view with respect to the penalty to be imposed upon the Appellant. The Panel has unanimously determined to impose a penalty of a four-month suspension. However, we would vary that suspension by one month to allow the Appellant to perform non-riding, stable hand duties after three months suspension.
  16. The orders of the Panel are as follows:
    - a. Appeal against severity of penalty upheld;
    - b. The Appellant's licence is suspended for a period of four months, such suspension having commenced on 30 August 2024, and expiring on 31 December 2024, on which day the Appellant may resume riding;
    - c. The penalty is varied such that the Appellant may resume non-riding, stable hand duties on 30 November 2024; and
    - d. Appeal deposit refunded.
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