

APPEAL RESULT

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FROM: Registrar – Racing Appeals and Disciplinary Board

DATE: 17 December 2013

SUBJECT: **APPEAL HEARING RESULT – JOCKEY: JASON MASKIELL**

Panel Judge Russell Lewis (Chair), Mr Geoff Ellis, Mr Graeme Johnson.

Appearances Mr Patrick Wheelahan appeared as Counsel for Mr Maskiell.
Mr James Ogilvy appeared on behalf of the Stewards.

At a Stewards inquiry on Friday, 29 November 2013, jockey Jason Maskiell pleaded guilty to a charge under the provisions of AR 81A(1)(a) which states that:

Any rider commits an offence and may be penalised if a sample taken from him is found upon analysis to contain a substance banned by AR 81B.

The particulars of the charge being that Mr Maskiell provided a urine sample at the Kyneton race meeting on Wednesday, 6 November 2013 that was found upon analysis to contain a substance banned under AR 81B.

Mr Maskiell had his licence to ride in races suspended for a period of 18 months, commencing on Sunday, 10 November 2013, at which time he was stood down, and expiring at midnight on Sunday, 10 May 2015. Mr Maskiell was also suspended from riding trackwork and in trials for a period of 12 months, expiring at midnight on Monday, 10 November 2014.

Mr Maskiell must also provide a sample that is free of any substance banned by AR81B and provide written evidence of a satisfactory period of counselling, prior to resuming riding trackwork and in trials.

A Notice of Appeal against the severity of the penalty was lodged on Sunday, 1 December 2013. A stay of proceedings was not requested.

DECISION: **Appeal allowed.**

The penalty varied as follows:

The penalty of 18 months suspension from riding in races stands, but Mr Maskiell will not have to serve all of it immediately. The Board orders that the final 6 months of that period is suspended on the condition that:

1. Mr Maskiell does not commit a drug or alcohol related offence under the Rules of Racing during that period of 18 months;
2. That Mr Maskiell complies with all reasonable requests by Racing Victoria Limited, or its servants or agents, in particular Ms Lisa Stevens:
 - a. To undergo treatment and counselling during that 18 month period and;
 - b. To provide urine samples which are drug free during that 18 month period.

Should Mr Maskiell fail to comply with any of the above conditions, the period of 6 months which is held in suspense will be restored unless Mr Maskiell is able to satisfy the RAD Board that exceptional circumstances exist which would persuade the RAD Board not to make an order restoring the suspended period.

That is, provided that Mr Maskiell complies with the above conditions he will be able to resume race riding from and including 11 November 2014.

In relation to the penalty of 12 months suspension from riding in track work or trials, the RAD Board varies the penalty as follows:

The last 6 months of that period is suspended on the same terms and conditions as referred to above in relation to riding in races.

That is, provided that Mr Maskiell complies with those conditions he will be able to resume riding in track work and trials from and including 11 May 2014.

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. ELLIS
MR G. JOHNSON**

EXTRACT OF PROCEEDINGS

DECISION

JOCKEY: JASON MASKIELL

MELBOURNE

TUESDAY, 17 DECEMBER 2013

MR J. OGILVY, with MR G. HAUSFELD appeared on behalf of
the RVL Stewards

MR P. WHEELAHAN appeared on behalf of Mr J. Maskiell

CHAIRMAN: The Board is prepared to vary the penalty imposed by the Stewards, but in so doing, the Board will need to have the acquiescence of Jason Maskiell before it makes the final order.

The Board proposes to allow the appeal as follows: the appeal is varied. The penalty of 18 months' suspension from riding in races is to stand, but Jason Maskiell will not have to serve all of it immediately. The Board proposes to order that the final six months of that 18-month period is suspended on condition that:

(1) Jason Maskiell does not commit a drug or alcohol-related offence under the Rules of Racing during that period of 18 months;

(2) that Jason Maskiell complies with all reasonable requests by Racing Victoria Ltd, by its servants or agents, in particular, Ms Lisa Stevens;

(a) to undergo treatment and counselling during that 18-month period;

(b) to provide urine samples which are drug-free during that 18-month period.

Should Jason Maskiell fail to comply with any of the above conditions, the period of six months held in suspense will be restored unless Jason Maskiell is able to satisfy the Board - that is, the Racing Appeals and Disciplinary Board - that exceptional circumstances exist which would persuade the RAD Board not to make an order of restoration. In short, provided Jason Maskiell complies with the above conditions, he will be able to resume race riding from and including 11 November 2014.

In relation to the penalty of 12 months' suspension from riding in trials or trackwork, the Board also proposes to vary that penalty as follows: the last six months of that 12-month period is suspended, on the same terms and conditions as referred to in relation to riding in races; that is, provided Jason Maskiell complies with those conditions, he will be able to resume riding trackwork and in trials from and including 10 May 2014.
