

# TASMANIAN RACING APPEAL BOARD

## Appeal No 16 of 2025-26

<b>Panel:</b>	<b>Mr Patrick O'Halloran (Chair)</b>	<b>Appellant:</b>	<b>Mr Ben Said</b>
<b>Adviser:</b>	N/A	<b>Rules:</b>	<b>AHRR 250(1)(a), 252B(e)(i) and 231(2) – prohibited substance and misconduct</b>
<b>Appearances:</b>	<b>Mr Trevor Styles on behalf of the Tasracing Integrity Unit Stewards</b>		<b>Ms Paige Ashwood on behalf of the Appellant</b>
<b>Heard at:</b>	<b>Via Microsoft Teams</b>	<b>Penalty:</b>	<b>Suspension of license for a period totalling 8 months</b>
<b>Date:</b>	<b>12 January 2026</b>	<b>Result:</b>	<b>Stay granted for appellant to hold a non- driving stablehand license</b>

### **STAY APPLICATION – EDITED TRANSCRIPTION OF ORAL REASONS FOR DECISION**

1. Mr Said makes an application for a suspension of penalties pending the determination of his appeal pursuant to section 85 of the *Act*.
2. Prior to today's listing Mr Said had put into writing two tranches of information in support of his application for a stay.
3. The stewards oppose the stay application and have provided a concise amount of relevant information in writing also.
4. A live issue in relation to the determination of the stay is the use of cannabis or the presence of cannabis in Mr Said's system.
5. In regards to a brief timeline of information relevant to the determination Mr Said has stated in writing '*that I later applied for a full trainers license in Tasmania, I fully and transparently declared both my medical condition and prescribed medication*'. I note that the prescribed medication was cannabis based medication.
6. On inquiries from myself presiding as the Chairperson today, Mr Said indicates that he made that application in writing in approximately August of this year.

7. Stewards, in response to submissions or inquiries today, indicated they weren't sure whether they had to hand that document and I gleaned that the information in relation to cannabis and Mr Said' substantive application to the relevant Tasmanian authority only came to the attention of the relevant person or persons including Mr Styles on or about October of 2025.
8. Further of relevance is that there has been an incident on 1 November 2025, but to the best of the Chair's ability to assess it does not appear on the information provided that the conduct which was inappropriate or related to that charge was directly or indirectly related to cannabis use. Although no determinative view can be made at this stage on the materials available.
9. In their opposition Stewards rely upon several factors including that the reading, that was obtained as I infer from testing that was conducted on or about the 9<sup>th</sup> of November 2025, was at such a level that appeared to lack consistency with any prescription quality and strength of medicinal cannabis. I infer but make no formal determination that the reading obtained on the 9<sup>th</sup> of November, was high or not consistent with a medicinal cannabis level.
10. Of relevance however is that from the 1<sup>st</sup> of November 2025 until the 19<sup>th</sup> of December 2025 the appellant held and maintained a non-driving stable hand license. No information, if any exists, as to any further conduct issues or cannabis related issues from within that period 1 November 2025 until 19 December 2025, were advised, nor if there has been any further conduct or cannabis issues since 19 December 2025 until today (12 January 2026).
11. In consideration therefor:
  - a. That there appears to have been no further cannabis issues or conduct issues from 1 November 2025 to 19 December 2025, during which the appellant held a non-driving stable hand license,
  - b. in combination with the delay, although finite which exists in terms of listing the substantive appeal and
  - c. what I am told in writing and supported in oral submissions today as to the financial impact,

I am minded to grant the stay.

12. The terms or conditions of that stay include that Mr Said is able to maintain or hold a non-driving stable hand license from today's date until the 26<sup>th</sup> of February 2026 when his major appeal will be heard.
13. It is noted that such a ruling or order made is over the objection of the stewards. Relevant to my determination and section 85(2) of the *Act*, Stewards submitted in their written submissions to me that when arriving at their decision and penalty they were of a belief that there may be a serious risk to the safety of the appellant and other persons. I emphasize my articulation of the use of their words *may* be, whereas section 85(s) of the *Act* refers to the presence of a serious risk, not the potentiality or likelihood, that there has to be an actual risk.
14. I pause now and ask the parties to the best of their ability, noting that Ms Lester is present, and it may be that depending on who appears before the Board on the substantive appeal is able to advance a position for Stewards, there is to my mind the unresolved question that is articulated at paragraph 23 of the Wayne Yole decision regarding stays dated 27 May 2025. That is as to how the Board is to interpret who assesses what the serious risk is.
15. In the present case it should not be taken that there is no risk, however, there remains a balancing of competing interests, again with the ultimate determination relating to the overall application for Stay.

16. The further comments I make are that it may be that Mr Said does have a prescription for cannabis use, it's a matter for him to properly inform himself as to what positive obligations and responsibilities he has if he wishes to engage in the work that he is now able to undertake with this limited license I allow and it is a matter for him entirely to make proper inquiries for himself as to what the accepted levels, if any, of cannabis ingested on a medicinal basis are. It is incumbent upon him to know what the relevant thresholds are and if there is medicinal cannabis consumed, whether that falls within the acceptable, if any levels that the AHRR provide.

**DATED: 16 FEBRUARY 2026**