

RACING APPEALS TRIBUNAL

RAT 3/2017

DATE OF HEARING: THURSDAY 20 APRIL 2017

TRIBUNAL: **PRESIDENT:** MR T ANDERSON QC

**MR J PETZER CHAIRMAN OF STEWARDS,
THOROUGHBRED RACING SA LTD**

APPELLANT: MR D CARRISON

REPRESENTATIVE MR P D'ANGELO

IN THE MATTER of an Appeal by **MR DARRYL CARRISON** against a decision of Thoroughbred Racing SA Ltd Stewards.

BREACH OF RULE: ARR 178

Subject to AR.178G, when any horse that has been brought to a racecourse for the purpose of engaging in a race and a prohibited substance is detected in any sample taken from it prior to or following its running in any race, the trainer and any other person who was in charge of such horse at any relevant time may be penalised.

PENALTY: \$12,000.00 fine

DETERMINATION

This is an appeal against penalty by Mr Darryl Carrison who is a licensed trainer with TRSA.

He trains the horse 'Halls Bay'.

On 13 November 2016 the horse won race 1 at Port Lincoln. A urine sample taken from the horse after the race showed the presence of Dexamethasone, whereas the control sample was free of the substance.

An inquiry was conducted by the Stewards on 3 February 2017. After taking evidence Mr Carrison was charged under ARR 178 with presenting a horse not free of a prohibited substance. Mr Carrison pleaded guilty.

It seems that he used a product, Dexapent, which was administered intravenously. The product contains Dexamethasone and has a withholding period.

There was some dispute from the veterinary evidence of the correct withholding period. Mr Carrison was also uncertain as to whether a second dose was administered and his treatment register did not record this.

It was put by Mr D'Angelo, who appeared for Mr Carrison, that this was an honest mistake and that the penalty did not reflect this.

The penalty imposed was a fine of \$12,000.00. Mr Carrison had a previous offence in March 2009 under the same rule for which he was fined \$7,000.00. He also pleaded guilty to that offence.

The Stewards argued correctly that this was a strict liability offence and it did not matter how the prohibited substance came to be in the horse's system.

The appellant had about 20 horses in training. There was no dispute that he was a person of good character and cooperated fully with the Stewards.

It was not clear what the starting point was for the calculation of the penalty. It seems that it was probably about \$15,000.00.

The Stewards rightly regarded this as a serious offence. They chose not to disqualify or suspend as either would have been too severe. They correctly in my view chose a monetary penalty.

Having regard to the circumstances of the offending, the previous offending, but also the guilty plea and the good character of the appellant, I consider that a fine of \$12,000.00 to be appropriate.

The appeal is therefore dismissed.

The applicable portion of the bond will be refunded.