



## INTERNAL REVIEW DECISION

### (Internal Review Decision Notice in response to an Application for Internal Review)

PART 1: Details of Internal Review	
Internal Review Number:	Internal Review 0009-17
Applicant's Name:	J. Perrett
Original Decision:	Breach of Greyhound Australasian Racing Rule 83(2)(a)
Original Decision Makers:	N. Torpey, E. Little, J. Hackett
Date of Original Decision:	26 October 2016
Internal Review Decision:	Original decision on charge and penalty confirmed.
Internal Review Decision-Maker:	Mr Ross Barnett APM, Racing Integrity Commissioner (on advice from Mr Kane Ashby, Internal Adjudicator, Queensland Racing Integrity Commission)
Date of Internal Review Decision:	15 March 2017
PART 3: Summary of Internal Review Application	
<p>The Applicant, Mr Julius Perrett, was the trainer of WALLOON SMARTIE when it raced at Ipswich Greyhound Racing Club on 28 June 2016 and Capalaba on 9 July 2016. Post-race urine samples collected from WALLOON SMARTIE on 28 June and 9 July 2016 were shown to contain Heptaminol.</p> <p>This Applicant was found guilty of two charges, following a stewards' inquiry, to two breaches of Greyhound Australasian Rule 83(2)(a). The Rule states: <i>The owner, trainer or person in charge of a greyhound nominated to compete in an event shall present the greyhound free of prohibited substance.</i></p> <p>The Applicant was fined \$1,500 for each charge.</p> <p>The Applicant sought a review of charge and penalty.</p> <p>The reviewer found the original decisions to be very fair and reasonable in the circumstances and therefore confirms the original decisions on the charge and penalty.</p>	
PART 4: Reasons for Internal Review Decision	
<p>The Applicant, trainer of WALLOON SMARTIE, presented the greyhound to race at Ipswich on 28 June and Capalaba on 9 July 2016. Urine samples collected from WALLOON SMARTIE at the aforementioned race meetings found upon analysis to contain heptaminol a prohibited substance (Exhibit 7, 12, 5A and 15A). WALLOON SMARTIE was successful in both races.</p> <p>During the kennel inspection conducted by the Queensland Racing Integrity Commission Integrity Regulation Unit (IRU) on 13 August 2016, the Applicant provided no explanation for the reason WALLOON SMARTIE returned two positive tests to heptaminol. The Applicant failed to have or maintain a treatment diary, which is a requirement under Greyhound Australasia Rule 84A. The Applicant advised the IRU his personal medications was not related to the positive findings.</p> <p>At the stewards' inquiry conducted on 26 October 2016 the Applicant provided an affidavit dated 22 August 2016, which in summary stated the trees and shrubs on the training property contain heptaminol which is distributed by the</p>	



birds and wind and is also present in tank and other water supplies. The Applicant was unable to identify the name of the trees or shrubs and provided no definitive evidence to support such claims. It was established during the inquiry the photographs provided of the trees and shrubs were actually located to the outside of the dog run. The Applicant has been training greyhounds at the property for the past five years and during that period has had approximately 200 starters for 27 winners. There is no evidence to suggest any of these starters or winners returned positive results to heptaminol. The Applicant noted he is the only person responsible for any treatments to his greyhounds and that WALLOON SMARTIE to his knowledge had not received any drugs.

The Applicant submitted in his review application that the original decision of stewards was vexatious, unfair, unjust and that full attention was not paid to the documentation provided in support of his case. The Applicant added heptaminol is not a scheduled medicine and that there was no intent proved that the substance was administered to the greyhound. Furthermore, the Applicant noted the imposed monetary penalty be struck out and the matter withdrawn.

Dr Karen Caldwell, Manager, Veterinary Services at the Racing Science Centre stated, heptaminol has myocardial stimulatory and vasodilator effects with research suggesting that it may affect catecholamine release or calcium metabolism. Heptaminol is a component of veterinary preparations; Kynoselen, Dynajec and Enerselen which are used in veterinary practice for prevention and treatment of muscular conditions such as muscular dystrophy and exertional rhabdomyolysis (tying up) (Exhibit 6A and 8).

The reviewer notes although heptaminol is not scheduled in the standard for the Uniform Scheduling of Medicines and Poisons Number 5 (Effective date – October 2014), published by the Commonwealth, it is deemed a prohibited substance under the rules.

The reviewer finds on the evidence, there is no analysis or expert evidence provided in support of the Applicants assertions that the trees, shrubs or water was responsible for the positive findings. In the absence of any expert evidence to support such claims, the reviewer finds in the circumstances the charges levelled against the Applicant are proved and accepts the Applicant failed to present WALLOON SMARTIE free of any prohibited substance.

Notwithstanding this, the reviewer is satisfied that given the Applicant has been training greyhounds from the same property for the last five years and not returned a positive to heptaminol, it would suggest, it's highly unlikely in the absence of any expert analysis that the trees, shrubs or water were responsible for the positive results. The reviewer notes had 'intent' been proven a more serious charge and penalty would most likely apply.

The precedents for trainers found guilty of presenting a greyhound with heptaminol in its systems have incurred penalties ranging from \$1500 fines to 6 months' disqualification. The Applicants disciplinary history notes one prior offence under this rule in October 2016.

In considering all the circumstances including the Applicants recent offence under this rule and the fact the original penalty falls into the lower end of the precedent scale. The reviewer finds the original decisions to be very fair and reasonable in the circumstances and therefore confirms the original decisions on the charge and penalty.

#### **PART 5: Review Rights following Internal Review Decision**

In accordance with section 246 of the *Racing Integrity Act 2016*, as the Applicant for an internal review of the original decision, you are able to apply to the Queensland Civil and Administrative Tribunal (QCAT) for an external review of the internal review decision.

An external review is commenced by lodging the appropriate forms with QCAT. In accordance with section 33 of the *Queensland Civil and Administrative Tribunal Act 2009*, an application for an external review of an internal review decision is to be made within 28 days from the day this internal review decision notice is provided to the Applicant.



For further information regarding the processes for an external review of the decision, please contact QCAT:

**Queensland Civil and Administrative Tribunal**

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