



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 0018-19 |
| Applicant's Name: | Darryl Hansen |
| PART 2: Decision History | |
| Original Decision: | Breach of Rule 178AA(1)(b) of the Australian Rules of Racing |
| Original Decision Makers: | D Aurich, N Boyle, P Zimmerman |
| Date of Original Decision: | 25 February 2019 |
| Internal Review Decision: | Original Decision on charge and penalty confirmed - \$5000 fine |
| Internal Adjudicator: | Kane Ashby, Queensland Racing Integrity Commission |
| Date of Internal Review Decision: | 02 April 2019 |
| PART 3: Summary of Internal Review Application | |
| <p>The Applicant, Mr Darryl Hansen, as the trainer of YARRAPOWER when it presented to race at Doomben Racecourse on 21 April 2018, was charged under Australian Rule of Racing 178AA(1)(b) at a stewards' inquiry conducted on 25 February 2019 when a pre-race blood sample taken from YARRAPOWER was found to contain elevated Total Carbon Dioxide Levels.</p> <p>Australian Rule of Racing 178AA states:</p> <p><i>"(1) A person must not administer an alkalinising agent, in any manner, to a horse which is engaged to run in any race, official trial or jump-out:</i></p> <p><i>(b) at any time during the one Clear Day prior to 12:01am on the day of the scheduled race, official trial, or jump-out."</i></p> <p>The Racing Science Centre RSC analysed three tubes of blood and reported a total carbon dioxide level of 37.6, 36.4 and 37.8 mmol/L respectively.</p> <p>The Applicant pleaded not guilty to the charge and made brief submissions in defence of the charge.</p> <p>The specifics of the charge being that Mr Hansen did administer an alkalinising agent to YARRAPOWER during the one Clear Day period prior to 12:01am on the day the gelding was scheduled to race at Doomben on 21 April 2018. The subsequent analysis of a blood sample obtained from YARRAPOWER resulted in the elevated TC02 levels being reported by the RSC and ARFL. The Applicant pleaded not guilty to the charge and made brief submissions in defence of the charge.</p> <p>Stewards heard evidence from Dr Karen Caldwell, Acting Manager of Veterinary Services at the Racing Science Centre, and, when considering the matter, placed significant weight on the evidence tendered by Dr Caldwell in</p> | |



particular her evidence regarding the excretion period of alkalinising agents and also the amount of alkalinising agents that would need to be administered to achieve the levels recorded by YARRAPOW.

Stewards were satisfied the Applicant had administered alkalinising agents to YARRAPOW within the one Clear Day period and found the Applicant guilty of the charge.

When considering penalty, stewards took into account the Applicants personal circumstances, penalty precedents and that such breach occurred at a Metropolitan race meeting which has a negative impact on the image of the sport.

Stewards subsequently imposed a fine in the amount of \$5,000.00

The Applicant sought a review of charge and penalty on the basis the Applicant believes he is not guilty of the charge and the decision to find the Applicant guilty and any associated penalty should be set aside. The Applicant further submitted the following:

- “ 1. I am not guilty of the charge.
2. The scientific evidence considered by the stewards was uncorroborated and/or inconclusive
3. There is no direct evidence that I administered an alkalinising agent to my horse.
4. The penalty is unjust and excessive.

It is inconclusive and scientifically unsettled to speculate that a horse's TC02 level cannot naturally exceed 36 millimoles for the reasons stated in Smith v Queensland All Codes Racing Industry Board [2016] QCAT 458 (paragraph 16).

For the reasons given in Smith v Queensland All Codes Racing Industry [2016] articulated at paragraph 16. I should not be found guilty of the charge.

The decision of Smith articulated at paragraph 16 is binding on QRIC and a contrary view to the findings in Smith should not be reached by QRIC unless, or until, there is a higher legal authority to the contrary.

There is a threshold in place for a reason with an expanded measurement of uncertainty. The threshold has been scientifically assessed and stipulated. With the measurement of uncertainty I am not above the threshold. If it was the intention of the racing rule drafter to capture trainers for a breach of a TC02 rule when their sample does not exceed the threshold, then the rule drafters would have reduced the threshold.

I withheld water prior to the horse racing which is my usual practise. The horse was agitated. The agitated state of the horse and the withholding of water has in my view resulted in the horse dehydrating.”

PART 4: Reasons for Internal Review Decision

The Applicant, Mr Darryl Hansen, was the trainer of YARRAPOW which presented to race at the Doomben Racecourse on 21 April 2018. A pre-race blood sample collected from YARRAPOW was analysed by the Racing Science Centre (RSC) and the Australian Racing Forensic Laboratory (ARFL) which reported the total carbon dioxide concentration at 37.6, 36.4, 37.8 and 36.8mmol/L respectively. The expanded measurement of uncertainty for total plasma carbon dioxide (TCO₂) determinations at the threshold concentration (36.0 mmol/L) is 1.0 mmol/L at greater than or equal to 99.99% confidence.



The stewards of the Queensland Racing Integrity Commission subsequently obtain a further blood sample from YARRAPOWER at the Applicants licensed premises on 27 April 2018, which upon analysis by the RSC reported the total carbon dioxide concentration at 30.8 mmol/L.¹

YARRAPOWER placed first in the respective race.

The stewards inquiry conducted on 25 February 2019, heard the RSC reported three TC02 levels at 37.6, 36.4 and 37.8.² Ms Samantha Nelis, Acting Manager of Analytical Services Racing Science Centre in evidence explained *"Normally we would run – we run two tubes and the first two tubes we got the results 37.6 and 36.4. That is bigger than our acceptable spread of results. -- So our procedure is we analyse a third tube to see if one tube had been damaged or whether the seal had been broken or whether there was an inconsistency. So, because, in complete transparency, instead of just averaging the three, because it's not part of our – you know, it's an extra procedure, we gave the results of each of the three individual tubes. --To show that there is a variation between the tubes."* The Chairman of inquiry questioned *"So what is the accepted variance?"* to which Ms Nelis replied *"If we get a variation of over 1 millimole between two tubes, we will always analyse a third tube, just to make sure that, you know, what the story is, you know, why there was such a big variation. And instead of just giving you an average of the three, in complete transparency we spread the – right out that's what we did."*³

The Applicant questioned *"So, how do you get three samples out of one tube?"* to which Ms Nelis replied *"Oh, it was with three different tubes. So when you're samples were collected, there would be six tubes, there will be two that are kept in the B sample and there's two in two other bottles of two. We would screen on one pair and then we would – on one tube – and then we take two more tubes, completely separate tubes, and we analyse those and then we have a third tube if we need it. So, we have four separate. So these are not – they're not separate samples, they're different tubes. -- So, because the tubes, the lids are – you know, it's all about vacuum and stuff. It's more transparent if we give you all three results rather than ----- giving an average."* Ms Nelis added *"--the only reason it drops is if the vacuum isn't brilliant. So, if the tube – when – if the vacuum – when they – how they take the sample is they put a needle into the horse and then they push the tube onto the needle and the vacuum inside the tube actually draws the blood into the tube. If the lids are not absolutely brilliantly sealed, then vacuum can – if vacuum gets out or air gets in, it changes the value. So, it usually occurs on samples where there has not been a brilliant seal on the top of the lid, therefore the result drops as soon as that occurs".*⁴

The Applicant was asked to explain the elevated TCO2 levels in the subject sample and in evidence stated *"I can't explain it, sir, because I've given the horse nothing and – I can't explain it. He obviously sits at a high HTO – oh, like, his levels are high. I've taken levels off him before; they're always in the 30s. It would be silly to give him anything because he's got such a high reading naturally, so. And, as I said, I've got two negative results and I can't explain it."* The Chairman of inquiry questioned *"--We can get some expert evidence from a vet, but in my experience, they don't get that high without some sort of treatment of alkalinising agents. What's your regime as far as preparing for a race?"* to which the Applicant replied *"I give, um, vitamin needles two days out, a salt drench two days out, and that's it, sir, nothing else."* The Applicant claimed he had previously taken samples from YARRAPOWER and the horses TC02 levels were always in the 30s.⁵

The Applicant stated *"-- I use Neutrolene Plus in my vitamins. --We use oil, Neutrolene Plus and Blood & Oxygen. -- That's the vitamins I feed in my feeds."* The Applicant in evidence stated he administers 50mls of Neutrolene Plus

¹ Exhibit 15.

² Exhibit 5.

³ Transcript of stewards' inquiry dated 25 February 2019, page 5.

⁴ Transcript of stewards' inquiry dated 25 February 2019, pages 5, 6 and 7.

⁵ Transcript of stewards' inquiry dated 25 February 2019, pages 5, 6 and 8.



three times a week to the horses feed, but *not inside the two-day period of racing*. The Applicant added he administers a salt drench 48hrs prior to racing which consists of five scoops of Salkative and two handfuls of bicarbonate of soda. The inquiry heard the Applicant drenches his own horses.⁶

Dr Karen Caldwell, Acting Manager of the Racing Science Centre provided telephonic evidence to the inquiry and was asked to explain TCO₂ levels, the population studies of normal TCO₂ levels and why the threshold of 36.0mmol/L was introduced into the Australian Rules of Racing. Dr Caldwell stated *“Well, so, there was a large amount of work done to establish the threshold. We expect a normal horse to sit somewhere between about 28½ and 32½. I think the average from the early population studies was around about 30½, so, in the middle of that, which is millimoles per litre. On the basis of that statistical work, the threshold was set at 36 millimoles per litre. As you know, there’s a measurement uncertainty applied of 1 millimole per litre, and traditionally that’s applied in the trainer’s favour, so that we don’t tend to action these TCO₂ discrepancies until the level exceeds 37.0 for the purposes of the presentation rule, and that’s that application of measurement uncertainty that takes that from 36 to that action level of 37. Look, the upshot of the population studies was that statistically speaking – and all of these things are about statistics – the threshold was assessed on the basis of statistical data, so there aren’t any absolutes in this, it’s all about probabilities. And the probability based on that research of an untreated horse – a normal untreated horse, if you’d like to call it a normal horse – exceeding a level of 37.0 millimoles per litre is something in the vicinity of 1 in a bit over 2 million. So, it is highly unlikely, statistically speaking, that an untreated horse would exceed 37 millimoles per litre. -- Now, as levels decrease from that 37.0 level, it becomes less statistically uncertain but nevertheless still statistically fairly uncertain when we’re talking about levels of 36 millimoles and above, given that we’re a number of millimoles from that normal expected range of an untreated horse.”*⁷

Dr Caldwell added *“--the work that’s been done administering different sorts of agents – and there are a number of sorts of alkalinising agents – bicarbonate, which probably most work has been done on, but also looking at citrates and acetates and other alkalinising agents, all of those studies showed that levels came back to normal within a 24-hour period. Some of the citrates and succinates took longer to get back to normal than bicarbonate itself, but regardless of the substance given, levels were found to come back to normal within 24 hours. So that the body is always trying to, with this, as it does with most biochemical levels to equilibrate to what is a normal resting, if you like, metabolic status. So, if you administer alkalinising agents that the body will process that and be constantly working to get back to the range that it would naturally fit in.”*⁸

The Chairman of inquiry questioned *“– in your experience, do you know how much alkalinising agents it takes to lift a horse, I guess, three or four points?”* to which Dr Caldwell replied *“Look, it depends what you give. Though classical work that was done early on by Lloyd looked at giving aliquots of bicarbonate and it was found that around about 50 grams of bicarbonate is needed to be given as a bolus, so, as a dose all in one go, typically by stomach tube, that’s certainly how it was done in the experimental work, to raise the TCO₂ level by 1 millimole per litre. So, 50 grams of bicarbonate for each 1 millimole elevation in TCO₂ levels.”*⁹

The Applicant questioned *“Can heat, anxiety, travel raise the level?”* to which Dr Caldwell replied *“Look, a lot of factors have been looked at in terms of their effect on TCO₂ levels and a lot of them can have an effect. But the important*

⁶ Transcript of stewards’ inquiry dated 25 February 2019, pages 9, 10 and 11.

⁷ Transcript of stewards’ inquiry dated 25 February 2019, pages 12 and 13.

⁸ Transcript of stewards’ inquiry dated 25 February 2019, pages 13.

⁹ Transcript of stewards’ inquiry dated 25 February 2019, pages 13.



*point to make, though, is that the effect that those things have is fairly negligible. Certainly, nothing of the order of multiple millimoles per litre -----*¹⁰

The Applicant's complete submissions in defence of the charge are outlined in Part 3 of this decision.

The Applicant in part submitted *"It is inconclusive and scientifically unsettled to speculate that a horse's TCO₂ level cannot naturally exceed 36 millimoles for the reasons provided in Smith v Queensland All Codes Racing Industry Board [2016] QCAT 458 (paragraph 16). There is a threshold in place for a reason with an expanded measurement of uncertainty. The threshold has been scientifically assessed and stipulated. With the measurement of uncertainty I am not above the threshold. If it was the intention of the racing rule drafted to capture trainers for a breach of a TCO₂ rule when their sample does not exceed the threshold, then the rule drafters would have reduced the threshold.*

The reviewer acknowledges that the Applicant was not charged with an offence pursuant to Australian Rule of Racing 178, which provides that any horse that is presented to race with a prohibited substance in its system the trainer or any other person in charge of such horse may be may be penalised.

For clarity, Australian Rule of Racing 178 states:

"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."

Australian Rule of Racing 178C(1) states:

The following prohibited substances when present at or below the concentrations respectively set out are excepted from the provisions of AR 178B and AR.178H:

(a) Alkalinising agents, when evidenced by total carbon dioxide (TCO₂) at a concentration of 36.0 millimoles per litre in plasma.

The Applicant was found guilty of a charge pursuant to Australian Rule of Racing 178AA(1)(b).

Australian Rule of Racing 178AA.(1)(b) in part states:

(1) A person must not administer an alkalinising agent, in any manner, to a horse which is engaged to run in any race, official trial or jump-out:

(a) at any time on the day of the scheduled race, official trial or jump out and prior to the start of such event; and

(b) at any time during the one Clear Day prior to 12.01am on the day of the scheduled race, official trial, or jump out.

(2) Any person who:

(a) administers an alkalinising agent;

(b) attempts to administer an alkalinising agent;

(c) causes an alkalinising agent to be administered; and/or

¹⁰ Transcript of stewards' inquiry dated 25 February 2019, pages 14 and 15.



(d) is a party to the administration of, or an attempt to administer, an alkalinising agent, contrary to AR.178AA(1) commits an offence and may be penalised.

The aforementioned rules are clearly distinguishable between exceeding the TCO₂ threshold pursuant to Australian Rule of Racing 178C(1)(a) and administering, attempts, causes or is a party to administering an alkalinising agent pursuant to Australian Rule of Racing 178AA(1)(b), where the stewards are satisfied a horse has, or is likely to have been, administered any alkalinising agent contrary to 178AA(1)(b) during the one clear day period. There is no requirement that the aforementioned TCO₂ threshold of 36mmol/L be exceeded in a charge pursuant to Australian Rule of Racing 178AA(1)(b).

Australian Rule of Racing 178AA(1) was introduced into the Australian Rules of Racing to regulate horses from being 'topped up' with alkalinising agents during the 'one Clear Day' period and therefore gaining an unfair advantage on their competitors.

The reviewer acknowledges the Queensland Civil Administration Tribunal decision of *Smith v Queensland All Codes Racing Industry Board* [2016] QCAT 458 dated 1 December 2016 and further acknowledges the importance that each case is treated on its merits and set of circumstances.

The member presiding over the *Smith* decision set aside Queensland Racing Disciplinary Board's decision of 23 March 2016, which confirmed the decision of the stewards to penalise Mr Smith by way of a fine in the amount of \$5,000.00 pursuant to Australian Harness Racing Rule 193(3), which stipulates:

"A person shall not administer or allow or cause to be administered any medication to a horse on race day prior to such horse running in a race."

The member substituted her own decision that Mr Smith had contravened Rule 193(3) for different reasons to that found by the stewards and the Board in that Member Deane found Mr Smith had contravened Rule 193(3) because he administered or caused GB-10 to be administered to the horse in the afternoon prior to the race as it was administered to the horse to treat his nervous stomach condition.

During the *Smith* hearing, the trainer provided evidence that the horse A GOOD CHANCE received 100 grams of GB-10, in accordance with his usual practice, in its evening feed in the afternoon before being transported to Albion Park for the subject race. The horse received 100 grams of GB-10 each day in its evening feed while the horse was in work. Expert evidence was provided by Dr John Vine and Dr Derrick Major, with Dr Major in evidence stating the cumulative effect of the supplement GB-10 administered daily over a period of months prior to the race may increase TCO₂ levels. Dr Vine disputed such evidence and stated feeding the horse GB-10 would have minimal impact on reported levels.

In brief, Dr Major provided evidence at paragraph 11 of the decision stating:

- a) the measurement of 36.0 and 35.5 mmol/L fell within the normal bell curve distribution of results for horses and that over-analysis of results within the range was dangerous.
- b) the normal range is up to 36.6 mmol/L.

...



- d) there were many factors that might affect a TCO₂ measurement such as the nature of the feed consumed, ambient temperature, breathing issues, transportation, dehydration/withholding of water, stress exercise and anaemia.

...

- h) administering GB-10 to the horse would have a significant impact on reported levels.

Furthermore, Dr Vine in brief provided evidence at paragraph 12 stating:

- a) in his many years of experience, he had never known a horse to record a level of 36.0 mmol/L or greater without having been administered an alkalinising agent.
- b) there was less than 1 in 16,000 chance that such a TCO₂ level could occur in a horse without the administration of an alkalinising agent.
- c) feeding the horse GB-10 would have a minimal impact on reported levels.

...

- e) Agreed that potentially a factor could cause a 1-2mmol/L variance. In his opinion, they rarely caused a variance that big because various factors are occurring at the same time and overlap so that the net impact is that the values do not change much at all.

The reviewer accepts the evidence of Dr Vine and Dr Major which agreed the reported TCO₂ levels in *Smith* (36.0 and 35.5mmol/L) were sufficiently high to demonstrate that alkaline agents were probably ingested by the horse on race day. The reviewer acknowledges the decision in *Smith* reduced the penalty to a fine of \$3000.

The reviewer finds there is no evidence in the subject matter that the horse received daily use of products containing alkalinising agents as was the case in *Smith*. Paragraph (16) in part states:

- d) *the experts' acceptance that factors not associated with the administration of alkalinising agents may affect measurements by 1-2 mmol/L*

The reviewer accepts YARRAPOWER sample in the subject review reported a total carbon dioxide concentration at 37.6, 36.4, 37.8 and 36.8mmol/L respectively. The reviewer further acknowledges the importance that an unannounced visit to obtained a further blood sample from YARRAPOWER at the Applicants licensed stable premises on 27 April 2018, (six days post the sample the subject of review) which upon analysis by the RSC reported the total carbon dioxide concentration at 30.8 mmol/L.¹¹ This is noteworthy considering the large discrepancy in TCO₂ levels of 6.8, 5.6, 7.0, and 6.0mmol/L, or 5.8, 4.6, 6.0 and 5.0mmol/L respectively, taking into account the plus or minus 1mmol/L for the measurement of uncertainty.

The reviewer acknowledges it has been debated in many tribunal hearings since the inception of the TCO₂ threshold as to what impact, if any, transportation, dehydration/withholding of water and stress/excitement has on TCO₂ levels.

In the Internal Review Decision 0098-17 of *Donald Smith v Queensland Racing Integrity Commission* dated 28 December 2017, Dr Karen Caldwell Acting Manager Racing Science Centre stated "*Certainly, we hear anecdotally of horses that are stressed for whatever reason, particularly on course at a given time, so, travel, excitement, all sorts*

¹¹ Exhibit 15.



*of factors. And while those things can produce variations in the TCO₂ level, they're not of a magnitude that is realistically explicable or explains the sorts of elevations that we see when we get towards the threshold levels. So, yeah, there can potentially be any effect, but it's unlikely to be of a significant magnitude."*¹² Dr Caldwell added "A normal horse's TCO₂ level to sit somewhere around 28 to 32 millimoles per litre and on the basis of a whole lot of studies that were done, a threshold was set, and that's based on statistics. So where you talk about statistical data, there's no absolutes, there's only probabilities. But the probability is that a normal horse as part of a population that were examined, which included standardbreds and thoroughbreds, will have a normal level between 28 and 32. Now, that can obviously be elevated by the administration of alkalinising agents, be they bicarbonates, citrates, acetates, or lactates - there's a whole lot of them. We do know that, again through a number of studies that have been done, that regardless of what you give, whether it's bicarbonates or citrates, and even if you give significant amounts of those substances, but levels will return to normal within 24 hours, and the reason for that is that the horse's system is trying to equilibrate constantly. There's an ideal level - acid-based level - at which the body likes to function, if you like, and it works constantly to return itself to that sort of level. So levels will - after an administration, levels will return to normal within 24 hours, regardless really of what's been given."¹³ Dr Caldwell further explained the plus or minus 1 millimole in the testing of TCO₂, stating "So traditionally that's applied in the trainer's favour as against the threshold under the rules. So while the threshold is 36, we typically call a presentation charge 37 or over. But the reality is that at a level of 36, a level that's 1 millimole either way, the probability is equal. So, if a sample has a reading of 36, that could be an actual reading of 37, it could equally be an actual reading of 35. But the most likely reading in any sample is the number that's actually reported."

The reviewer finds, based on Dr Caldwell's evidence, that TCO₂ levels will return to normal within 24 hours of administration, regardless of what's been administered, suggests the last known administration of alkalinising agents to YARRAPOWER (at 48hrs prior to racing) would not be the sole reason for the elevated TCO₂ levels. The reviewer further accepts the evidence of Dr Vine in *Smith v Queensland All Codes Racing Industry Board [2016] QCAT 458* at paragraph 12 stating "In his many years of experience, he had never known a horse to record a level of 36.0 mmol/L or greater without having been administered an alkalinising agent" and "There was less than 1 in 16,000 chance that such a TCO₂ level could occur in a horse without the administration of an alkalinising agent."

The reviewer acknowledges each case is treated on its merits and set of circumstances.

In weighing up the evidence and taking into account the aforementioned factors, including the Applicant's submissions and the expert evidence of Dr Vine and Dr Caldwell, the reviewer finds it reasonable to conclude that an administration of alkalinising agents was administered to YARRAPOWER closer to race time than the evidence suggests, and accordingly is completely satisfied to the requisite standard the charge the subject of review is proven.

The Applicant has held a trainer licence for approximately twenty (20) years. The Applicant's disciplinary history in that period demonstrates four (4) previous offences particular to Australian Rule of Racing 178, the latest in August and July 2011. The matter particular to August 2011, involved TCO₂ which the Applicant incurred a period of six (6) months disqualification. The precedent penalty scale for an offence pursuant to Rule 178AA(1) in Queensland have incurred monetary fines up to \$3000.00.

¹² Internal Review Decision 0098-17, page 6

¹³ Internal Review Decision 0098-17, page 5 and 6



Dr Bruce Young, Manager of Veterinary Services, Racing Science Centre in the Internal Review 0011-18 stated “*The administration of alkalinising salts prior to racing may enhance or manipulate the racing performance of a horse by delaying the onset of fatigue and improving the endurance of the horse.*” The expert evidence of Dr Vine in *Smith v Queensland All Codes Racing Industry Board [2016] QCAT 458* at paragraph 12 stated “*In his many years of experience, he had never known a horse to record a level of 36.0 mmol/L or greater without having been administered an alkalinising agent.*”

In weighing up the matter of penalty, consideration was provided to the Applicant’s submissions, not-guilty plea, disciplinary history, penalty precedents and the reported TCO₂ levels in the sample the subject of review at 37.6, 36.4, 37.8 and 36.8mmol/L respectively. The use of alkalinizing agents, including bicarbonates and related substances is nothing new to the racing industry and historical analytical data suggests you can only reach levels of 36.0mmol/L by administering large amounts of alkalinizing agents within hours of race time. The reviewer accepts based on the scientific evidence, it is reasonable to infer that an offence pursuant to Rule 178AA(1) has been committed in an attempt to cheat and gain an unfair advantage by reference that all the TCO₂ levels reported in the sample the subject of review exceeded 36.0mmol/L and importantly the stable sample (six days post the sample the subject of review) reported a TCO₂ level in the normal range at 30.8 mmol/L. A penalty not only needs to be fair and evidence based, it must also serve as a deterrent to any likeminded persons. The reviewer, in considering the totality of evidence and taking into account the Applicants previous disciplinary history, particularly the previous offence involving TCO₂ finds the penalty imposed is considerate in the circumstances and accordingly confirms the original decision on 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

Registry Location: Level 9, 259 Queen Street, BRISBANE QLD 4001
Postal Address: GPO Box 1639, BRISBANE QLD 4001
Phone: 1300 753 228
Email: enquiries@qcat.qld.gov.au