



**INTERNAL REVIEW DECISION**  
**(Internal Review Decision Notice in response to an Application for Internal Review)**

<b>PART 1: Details of Internal Review</b>	
<b>Internal Review Number:</b>	Internal Review 0087-19
<b>Applicant's Name:</b>	Stephen Potiris
<b>PART 2: Decision History</b>	
<b>Original Decision:</b>	Breach of Rule 79(2) of the Australian Rules of Racing
<b>Original Decision Makers:</b>	P. Gillard, P. Lane
<b>Date of Original Decision:</b>	25 September 2019
<b>Internal Review Decision:</b>	Original decision of charge and penalty confirmed – \$1000 fine
<b>Internal Adjudicator:</b>	Mr Kane Ashby, Queensland Racing Integrity Commission
<b>Date of Internal Review Decision:</b>	6 November 2019
<b>PART 3: Summary of Internal Review Application</b>	
<p>The Applicant, Mr Stephen Potiris, is a licensed trainer within the thoroughbred racing industry in Queensland. The Applicant was charged pursuant to Australian Rule of Racing 79(2) for failing to report to the stewards the presence of blood in the nostril area of Irish Heart.</p> <p>Australian Rule of Racing 79(2) states:</p> <p><i>“(2) If a horse has an attack of bleeding at any time it must be reported by the trainer to the Stewards without delay.”</i></p> <p>For clarity, Australian Rule of racing 79(1) defines an attack of Bleeding as:</p> <p><i>“The appearance of blood at both nostrils, irrespective of quantity, is deemed to constitute an attack of bleeding unless, in the opinion of the Stewards, that bleeding was caused by external trauma.”</i></p> <p>The specifics of the charge being the Applicant failed to report to stewards the presence of blood in the nostril area of Irish Heart following Race 5 at Mount Garnet on 3 May 2019. The Applicant pleaded guilty to the charge.</p> <p>Stewards subsequently fined the Applicant \$1000 and further advised Irish Heart would incur the mandatory ban under Australian Rule of Racing 79 (4) (a) (b).</p> <p>The Applicant sought a review of charge and penalty and submitted the following in support of his application:</p> <p><i>“I want this matter to be reviewed as:</i></p> <p><i>Under AR 79(1) Stewards had in their ability and power to find and declare that the blood on my horse Irish Heart nostril was not an attack of bleeding but rather the result of external trauma</i></p>	



*There was no direct evidence from a Principal Racing Authority (PRA) available to substantiate the charge under AR79. Stewards were present and adequately acting in their duty on 3 May 2019. That is evident by review of the race day stewards report.*

*The horse, Irish Heart returned to the mounting yard where stewards were present. Acting in his duty, the steward opened the gate at the gate until all horses had returned to the enclosure, including Irish Heart.*

*Upon its return, Irish Heart passed the steward and the steward did not observe or identify any adverse issues with the horse following the race.*

*The jockey, Wanderson D'Avila who rode Irish Heart did not identify any issues with the horse and made no comment regarding the race fitness or any adverse health issues with the horse upon return to the enclosure. The only comment made by the jockey was that the horse didn't finish off the race and stated that the track was heavy and hard kick up. The horse was fractious in the barriers and that is evident in the race video.*

*The horse likely injured itself in the barriers or during the running of the race as a result of the surface kick up of hard clay and/or rocks from the track.*

*Neither the steward on duty, the vet, horse trainer, strapper or jockey had reason for concern or believed the horse had suffered an attack of bleeding.*

*The horse has not required or been a candidate for requirement of veterinary intervention the time of the race the 3rd of May. There has been no requirements for veterinary intervention as there was a cut on the horse's nose, which I subsequently treated. At no point it myself as the trainer; the jockey who rode the horse, nor my strapper on the day believed the horse had suffered an attack of bleeding. The track, as evidence and documented in the Stewards report, my horse, as seen by earlier race participants also suffered injury – of which I believe should have been determined in the inquiry as been external trauma and not the result of an attack of bleeding.*

*The evidence of my strapper, Chloe Thompson that day also confirmed that she believed the horse sustained an injury from the race and did not state that in her opinion, she believed the horse suffered an attack of bleeding.*

*Stewards erred in accepting that any presence of blood in the nostril area was not the result of a bleeding attack, but rather that bleeding was caused by external trauma.*

*As the horse had not suffered an attack of bleeding, I was not under an obligation to report the presence of blood to stewards because, in my opinion, the horse had sustained an injury during the race or in the barriers and not 'bled' as accused by Tarron Clark.*

*It is noted that Tarron Clark confirmed in his statement that he was in the enclosure for the purposes of photographing runners of the race. He had in his power, the ability to take photographic evidence to support his accusation and yet, failed to do so. He also had the ability and opportunity to report his alleged observation to stewards and failed to do so at the relevant time. Mr Clark was present at the race and gave evidence that the horses "were mulling around while*



*he waited for the winning horse to return to the enclosure". If Mr Clark was so concerned of the welfare of the horse – I believe it was prudent for him to raise such a significant serious issue with the Stewards at the time.*

*The complainant is not an official, a vet or otherwise qualified to comment on the health of race horses. Stewards erroneously placed significant weight on the statement of Tarron Clark and in doing so, failed to accept the evidence available to them, including the fact the steward on duty did not observe blood in the nostril area, as alleged and that the horse had reared in the barriers and the surface of the track was extremely hard and there was significant kick up from the track.*

*Irish Heart was fractious in the barriers and that is evident in the race video. There is no supporting evidence to substantiate that Irish Heart suffered an attack of bleeding on the 3<sup>rd</sup> May 2019. I did continue to apply wound ointment to Irish Heart's nostril and also eye ointment to his off side eye as a result of the kickback from the Mount Garnet track. It is my belief that the stewards and vet on duty appropriately executed their duties on the day of the race.*

*- Jockey Wanderson DÁvila didn't not see any blood on the nostril of the horse.*

*- There was no blood on the silks*

*- A jockey can feel in a race if the horse has bleed or not.*

*- No veterinary report substantiating the accusations made from Mr Clark. Mr Clark had the ability to photograph what he believe in what he saw and heard.*

*- QRIC has not received any photographic evidence to substantiate his allegations. He had every opportunity.*

*A number of horses were resenting the kick back.*

*Re: (Stewards Report 3<sup>rd</sup> May 2019)*

*Also Stewards report 4<sup>th</sup> May 2019*

*Irish Heart was schedule to have a spell after Mount Garnet, at that was pre planned*

*Irish Heart has had a spell for his own fitness and recovery, and putting a horse like him after Mount Garnet is quite usual.*

*Nonetheless Irish Heart has spelled in accordance with his usual training regime and rebut an episode of bleeding. This horse has never showed signs of pulmonary haemorrhage and I treat such cases very important."*

The outcome sought by the Applicant is that:

*"- Fine to be dismissed*

*- Horse ban to be withdrawn*

*- In the alternative if QRIC believe a charge is substantiated in my failing to report any injury suffered to my horse in the running of the race, then I submit the charges to be waived and no fine to be paid.*

*- It was, at the time of the inquiry with in the power of the panel of stewards to consider all evidence and make a determination, in response to a layman's acquisition that is, in all of the evidence not substantiated as an attack of bleeding but as a rest of external trauma.*



- Under AR 79 (1) the appearance of blood in both nostrils, irrespective of quantity, is deemed to constitute an attack of bleeding unless, in the opinion of the stewards that bleeding was caused by external trauma.”

#### PART 4: Reasons for Internal Review Decision

The Applicant was subjected to a Stewards inquiry on 25 September 2019, which stemmed from the Mount Garnet race meeting conducted on 3 May 2019, that alleged IRISH HEART trained by the Applicant suffered a bleeding attack subsequent to competing in Race 5 the Benchmark 60 Handicap over 1680 metres.

During the Stewards inquiry evidence was provided by the Applicant, Mr Wanderson D’Avila, licence jockey and rider of IRISH HEART, a written statement by Mr Tarren Clark, signed by a qualified Justice of the Peace (No.105312) dated 6 May 2019, and a statutory declaration by Miss Chloe Thompson, strapper of IRISH HEART dated 22 May 2019. A further statement was provided by Mr Kris Shred property owner of 112 Camp Creek Road, Mina Creek dated 10 August 2019.

Mr Clark’s statement in part read: *“I Tarren Peter Clark make the following declaration. That on Friday, 3 May 2019 at approximately 4.10 pm while standing in the saddling enclosure of the Mount Garnet Emmett are Turf Club I observed Irish Heart return to scale with blood in both nostrils. On completion of the running of the 5th race I proceeded to stand on the left-hand side of the saddling enclosure and engage in an effort to obtain a photograph of The Fox Effect, who was the winner of the race, returning to scale on the course proper. Whilst waiting for The Fox Effect to return, and looking at other runners milling around in the vicinity of the saddling enclosure gate I observed Irish Heart to have initially bled from the offside nostril as it was visible to me. As the horse turned its head and milled around I observed blood in the near side nostril as well. As a matter of moments later I heard a male voice from behind me say” – “Oh, he’s bled, has he?” “At which time I turned around and observed Mr Poteris and a female strapper of approximately 22 years of age standing in my vicinity. I could only assume that Mr Poteris made that statement to his strapper. I was then able to get a photo of the winner returning to scale on the course proper and also entering the mounting yard, and watched the winner being unsaddled, wished jockey Shane Pawsey congratulations for winning the race and then waited for correct weight to take a photo of the presentation and winning connections. There was a long delay with correct weight as the stewards’ panel investigated the start of the race to ascertain whether Strata Grant was afforded a fair start. I left the course prior to the declaration of correct weight as I had to drive a significant distance home. Upon arrival at my residence I checked the stewards report from the meeting to see the outcome of the inquiry into the last race, and it was at this time I did not see a mention of Irish Heart bleeding from both nostrils and could only assume that the stewards’ panel did not observe it and the connections of the horse did not report it to the stewards prior to the report being posted online. Subsequent checks of Racing Australia for any embargoes placed upon Irish Heart showed nothing. I make this statement in effect to protect the safety and welfare of both Irish Heart and jockey and/or work rider that may ride the horse in any race or trackwork and to essentially discharge my obligatory duty here of care under the Racing and Integrity Act 2016. The above statement is a truthful account of the facts of occurrences that took place at Mount Garnet Amateur Turf Club on Friday, 3 May 2019.”<sup>1</sup>*

Miss Thompson statement in part read: *“I was the strapper of Irish Heart at Mount Garnet. The horse ran an average race. When he pulled up we witnessed blood in both nostrils. The jockey told us to take the horse back and wash it off. Once hosed there was no further blood and he showed no further signs of ill-health as he had raced at the back of the*

<sup>1</sup> Exhibit 1 - Statement of Mr Tarren Clark dated 6 May 2019.



field. We assumed it must have been hit by some kickback. Following the instructions of Mr Poteris I did not take the matter to the stewards as I was not in charge on that day and the horse showed no further signs of ill-health.”<sup>2</sup>

Mr Shreds statement read: “I Kris Shred property owner of 112 camp rd Mena Creek, can confirm that the Stephen Poteris Thoroughbred (Irish Heart) has been spelling at the above address since the end of May”<sup>3</sup>

Mr D’Avila in evidence stated “Sir, first thing I want to comment about, I want to talk about this comment here (referring to part of Miss Thompson statement) which is a false comment. I never, ever told the trainer or the strapper to take the horse away and wash the horse. I don’t know where she got that from, and she make a false accusation here, which is (inaudible) get back to her one day. First of all, I had an accident 12 months ago (inaudible) and that’s the last thing I wouldn’t do is to try and cover up. So anyone – even my wife which she is a trainer - I wouldn’t try to cover it up for anyone if a horse ever, ever bled because I went through hell because that same situation, so I would never put myself in that situation again. The proof is probably – I can’t remember the exact – it probably was 3 weeks before that happened (inaudible) horse bled in Townsville, and I was the first one to come – go and see you and let you know the horse had bled. So if I never try to hide from my wife, I wouldn’t try to hide for any other trainer. So – yes, I’m not happy about that position either. Talking about the race now, the horse was – I can’t remember if it’s been well known, but I believe the horse was travelling and he stop very quick, and Mr Poteris come and asked me what happened, and I say, “I can’t – I don’t know exactly what happened. All I know is the horse has stopped a little bit quick.” And as I was taking my saddle off that strapper make a comment that the horse had bled. So I didn’t pay much attention. I was just keeping doing what I was doing, and Mr Poteris say, “All good.” So I took my saddle off and then go back to the jockey room. I didn’t take a big notice – I mean I never notice. I’m sorry if my English is not the best. --- I’m trying to explain it as much as I can. I was – drop my saddle and go away for the next race. I’m pretty sure it was the Cup. --- Anyway, I didn’t mention anything to the stewards. Probably that was my mistake – or I don’t know if it was a mistake, but I completely forgot. But in saying that I didn’t know what was going on because I didn’t see any blood. I didn’t see blood at all on the horse. I was just doing my own things and go back to the jockey room. That was coming from the strapper. Didn’t even come from the trainer. So I didn’t take much notice. So that was me.” The Chairman of inquiry asked “But in saying that, it was brought to your attention that the horse had bled” to which Mr D’Avila replied “That’s right. I (inaudible). I probably should go see you, but I completely forgot. I’m only human. We forget things sometimes, but I didn’t have any intention to hide anything if that was the case that the horse had bled. Like I explained to you, I had a bad fall 12 months ago. I wouldn’t – I would be happy to have another one or see any other jockey go through the same thing I did. The other proof is my wife’s horse bled in town 3 weeks before. I can’t remember exactly how long it was before that, and I was the first one to come and see you. So there is no other reason why I wouldn’t try to hide anything from you as well.”<sup>4</sup>

The Applicant in evidence stated “At the end of the day, sir, I’m the trainer of the horse. I’m fully responsible for what happened on the day. It’s not Wonderson’s fault or Chloe Thompson’s fault. It’s my fault. I’m the trainer. If something happened on the day I should have went back and reported it to the stewards. But, by the same token, if the vet was doing his job properly on the day we wouldn’t be here today, and there was no vet at the gate.” The Chairman of inquiry asked “--I will put to you, Mr Poteris – and while I understand that you may not be happy that the vet wasn’t in a position to notice this, however doesn’t the obligation be on the trainer ----- and we trust the trainer -----to come and tell

<sup>2</sup> Exhibit 2 – Statutory declaration of Miss Bonnie Thompson dated 22 May 2019

<sup>3</sup> Exhibit 3 - statement of Mr Kris Shred property owner of 112 Camp Creek Road, Mina Creek dated 10 August 2019.

<sup>4</sup> Transcript of Stewards inquiry dated 25 September 2019 page 6 and 7.



*us this” to which the Applicant replied “That’s what I said at the beginning. It’s my responsibility, but at the same time the vet is there to do his job properly to.”<sup>5</sup>*

*The race footage of the subject race was played to the inquiry. The Applicant stated “--As we can see there, he’s inside barrier one. You can see he starts bobbing his head into the barriers. --, his bobbing his head. Now, he drew the inside gate. You can see there. Now look how many horses are there before they start running. So how long was he doing that prior to the start of the race and he never hit his head into the petition of the barriers?” The chairman of inquiry asked “--Jockey D’Avila, you are riding the horse. Are you aware of the horse smacking his head into the barriers at all?” to which Mr D’Avila replied “Well, he was uncomfortable there. He was moving. I can’t prove he did his head, but he was moving a lot.” The Chairman of inquiry asked “Well, that come to your attention that the horse hit his head in the barriers?” to which Mr D’Avila replied “I can’t prove that. I can’t say he did or you didn’t.” The Chairman of inquiry asked “So is it fair to say you are not aware that the horse has struck his head on the barriers?” to which Mr D’Avila replied “No.” The Chairman of inquiry asked “Like obviously again that would be your obligation to inform the veterinary surgeon that you had concerns or you had an issue with the horse.” to which Mr D’Avila replied “That’s true.”<sup>6</sup>*

*The Applicant stated “So a continuation now of what happened on the day is when the horse came back in, Chloe Thompson was on the off side of the horse, I was on the near side of the horse. The horse came in between us and she noticed some blood on the horse on the offside nostril, and she said, “Oh, he’s bled from the nostril.” So I had a quick duck around and looked and seen some blood there. So, she said to me, “I’ll take the horse and hose it and then will see the outcome of what’s wrong with the horse.” Wonderson took the saddle off and he said, “Youse can go.” So I went inside to get the colours. She took the horse because she says here in her statement that – she doesn’t say it here but I will bring something else on my phone here that I’ve spoken to Chloe Thompson about it. She says, “We took the horse away and hosed that.” I didn’t take the horse away and hose it. She took the horse away and hosed it. I’ve got it right here on evidence. -- She took the horse away. I went inside. I saw Wonderson. He gave me the colours. We had a bit of a chat about the horse. He was disappointing, and when I went back to the tie-ups the hose was there. He had no blood at all. I asked the girl, “What was the outcome with the horse?” She said, “When I was bringing him back in from when I took him out” – and she went around the back of the house there when they were going to the – taking back to hose the horse, the horse was showing signs of bleeding on the near side front, and once she hose the horse off in the hose bay, she said the horse cleared up and had a cut on the offside nostril, and she put the horse in the tie-up stalls, and when I went there the horse was fine. That’s why I was going to bring 2 more witnesses in, and I said that I didn’t want any more witnesses because when you rang me up you said you wanted Wonderson to come to the inquiry and I said I didn’t need him - Gareth Hornet and Scotty Cooper were there when they saw the girl hosing the horse down. I wasn’t present. I was back there getting the colours, and they didn’t see no problem with the horse. Now on her – because I spoke to the girl and I said you will be getting a notification from the stewards to talk to them about the situation and this is what she said to me. You can take this as a record if you want it. It doesn’t worry me. That’s her - she sent this on messenger. I said, “Any news” – do you want have a look at this as well. I might come over to you (inaudible) not talking fibs. It’s Chloe. That’s her. -- If you don’t believe me I will tick her name – “Chloe Thompson”. --“Any news from the stewards. The blue is mine.” This is hers. -- “Yes. They got a call. (inaudible) write a letter.” She says, “Just that I struck the horse. He run an average race. When he pulled up there was a little blood.” That’s different to saying that there was a little blood to - blood from both nostrils. “The jockey told us to take the horse*

<sup>5</sup> Transcript of Stewards inquiry dated 25 September 2019 page 8 and 9.

<sup>6</sup> Transcript of Stewards inquiry dated 25 September 2019 page 9 and 10.



*away”, which he didn’t quite say it that way. She said to take the horse away and he took the saddle off and said, “Youse can go.” “When we washed it off” – I didn’t wash the horse off; she washed the horse off – “there was no further blood in the horse was showing no ill health. We assumed he had (inaudible) at the back of the field and there must have been a bit of a kick back.” The Applicant added “--- In summing up my statement is how would you be able to deem a horse a bleeder when the horse has not been checked by the vet?” to which the Chairman of inquiry replied “Well, we will be erring on the side of caution in the name of health and safety. If this had been brought to our attention on the day ----” to which the Applicant replied “I said at the beginning it was my mistake. I should have brought it to the attention of the stewards.”<sup>7</sup>*

The Applicant’s complete submissions are outlined in Part 3 of this decision.

*The Applicant submitted “Under AR 79(1) Stewards had in their ability and power to find and declare that the blood on my horse Irish Heart nostril was not an attack of bleeding but rather the result of external trauma. There was no direct evidence from a Principal Racing Authority (PRA) available to substantiate the charge under AR79. Stewards were present and adequately acting in their duty on 3 May 2019. That is evident by review of the race day stewards report. The horse, Irish Heart returned to the mounting yard where stewards were present. Acting in his duty, the steward opened the gate at the gate until all horses had returned to the enclosure, including Irish Heart. Upon its return, Irish Heart passed the steward and the steward did not observe or identify any adverse issues with the horse following the race.”*

Australian Rule of Racing 79 (1) is conditional upon the appearance of blood at both nostrils unless in the opinion of the Stewards, that bleeding was caused by external trauma. Sub-section (2) of the specified rule places an obligation on the trainer, in this instance the Applicant to report an attack of bleeding to the Stewards without delay.

The reviewer acknowledges the Stewards role is to primarily regulate and enforce the Australian Rules of Racing, and the official veterinary surgeon when circumstances prevail is partly responsible for observing horses on return to the mounting yard post-race to identify any apparent abnormalities. The reviewer notes that the non-observance by the stewards or veterinarian of bleeding at both nostrils of IRISH HEART does not establish that the horse did not suffer a bleeding attack.

*The Applicant submitted “The jockey, Wanderson D’Avila who rode Irish Heart did not identify any issues with the horse and made no comment regarding the race fitness or any adverse health issues with the horse upon return to the enclosure. The only comment made by the jockey was that the horse didn’t finish off the race and stated that the track was heavy and hard kick up. The horse was fractious in the barriers and that is evident in the race video. The horse likely injured itself in the barriers or during the running of the race as a result of the surface kick up of hard clay and/or rocks from the track.”*

The reviewer acknowledges from prior racing experiences a rider at times may not be aware a horse has bled during a race or on return to scale mainly due the low quantity of blood excreted from the horse’s nostrils. The reviewer sought a copy of the race footage for completeness, however no such footage was provided prior to release of the internal review decision.

*The Applicant submitted “There has been no requirements for veterinary intervention as there was a cut on the horse’s nose, which I subsequently treated. --- The track ,as evidence and documented in the Stewards report, my horse, as*

<sup>7</sup> Transcript of Stewards inquiry dated 25 September 2019 page 13, 14 and 15.



*seen by earlier race participants also suffered injury – of which I believe should have been determined in the inquiry as been external trauma and not the result of an attack of bleeding. The evidence of my strapper, Chloe Thompson that day also confirmed that she believed the horse sustained an injury from the race and did not state that in her opinion, she believed the horse suffered an attack of bleeding. Stewards erred in accepting that any presence of blood in the nostril area was not the result of a bleeding attack, but rather that bleeding was caused by external trauma. As the horse had not suffered an attack of bleeding, I was not under an obligation to report the presence of blood to stewards because, in my opinion, the horse had sustained an injury during the race or in the barriers and not 'bled' as accused by Tarron Clark."*

The reviewer finds no evidence to confirm the bleeding was attributed to external trauma or that IRISH HEART sustained an injury in the barriers or during the race as submitted by the Applicant. Notwithstanding, the reviewer finds any injury sustained during the running of a race places a responsibility on the trainer to report such matter to the Stewards as soon as practicable. The Applicant failed to report the alleged injury at any relevant time to Stewards.

For reference Australian Rule of Racing 105 titled "Matters that may affect the running of a horse in a race' in part reads:

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*(2) The owner and/or trainer of a horse must:*

*(a) as soon as practicable after a race, report to the Stewards anything which might have affected the running of their horse in a race;"*

The Applicant submitted "It is noted that Tarron Clark confirmed in his statement that he was in the enclosure for the purposes of photographing runners of the race. He had in his power, the ability to take photographic evidence to support his accusation and yet, failed to do so. He also had the ability and opportunity to report his alleged observation to stewards and failed to do so at the relevant time. Mr Clark was present at the race and gave evidence that the horses "were mulling around while he waited for the winning horse to return to the enclosure". If Mr Clark was so concerned of the welfare of the horse – I believe it was prudent for him to raise such a significant serious issue with the Stewards at the time. The complainant is not an official, a vet or otherwise qualified to comment on the health of race horses. Stewards erroneously placed significant weight on the statement of Tarron Clark and in doing so, failed to accept the evidence available to them, including the fact the steward on duty did not observe blood in the nostril area, as alleged and that the horse had reared in the barriers and the surface of the track was extremely hard and there was significant kick up from the track. Irish Heart was fractious in the barriers and that is evident in the race video. There is no supporting evidence to substantiate that Irish Heart suffered an attack of bleeding on the 3<sup>rd</sup> May 2019. I did continue to apply wound ointment to Irish Heart's nostril and also eye ointment to his off side eye as a result of the kickback from the Mount Garnet track. It is my belief that the stewards and vet on duty appropriately executed their duties on the day of the race.

The reviewer acknowledges there is no requirement for Mr Clark to report the bleeding attack to Stewards. This is the responsibility of the trainer, in this instance the Applicant to report such occurrence to the Stewards without delay. Notwithstanding, Mr Clark acting with due diligence followed the matter up with a written statement confirming IRISH HEART bled from both nostrils post-race in an attempt to protect the safety and welfare of all horses and riders concerned. The statement of Mr Clark's is corroborated by the statement of Miss Thompson that noted IRISH HEART





displayed blood in both nostrils post-race. There is no evidence, which is confirmed by Mr D'Avila, that IRISH HEART sustained any injury in the barriers, or during the running of the race.

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

The reviewer accepts the normal course of action upon a bleeding attack being reported to the Stewards is the relevant horse would be examined by the clubs veterinarian surgeon. Notwithstanding, due to the Applicants actions and failure to report such bleeding attack to the Stewards without delay a veterinary examination was unable to be completed. The reviewer accepts the statements of Miss Thompson and Mr Clark confirming IRISH HEART displayed blood from both nostrils post-race. The reviewer finds no evidence to determine such blood was attributed to external trauma as alleged by the Applicant. This is supported by the evidence of Mr D'Avila when asked by the Chairman of inquiry "*So is it fair to say you are not aware that the horse has struck his head on the barriers?*" to which Mr D'Avila replied "*No.*" The reviewer finds no direct evidence other than the Applicants alleged claims to confirm IRISH HEART sustained an injury in the barriers or during the race that contributed to the horses bleeding attack.

The reviewer in considering the totality of evidence and taking into account the aforementioned factors, including the Applicants submissions, is satisfied IRISH HEART suffered a bleeding attack post-race, and that the Applicant failed to report such bleeding in accordance with the specified Australian Rule of Racing. Accordingly, the reviewer finds the charge the subject of review proven.

The Applicants held a trainer's licence for approximately seventeen (17) years and in that period is clear of any previous offence pursuant to Australian Rule of Racing 79(2). The precedent penalties for an offence pursuant to the previous Australian Rule of Racing 53A(2) now 79(2) incurred penalties between a monetary penalty and two (2) months suspension.

In weighing up the evidence particular to penalty, consideration was provided to the Applicant's submissions, guilty plea (to bleeding from one nostril), disciplinary history and totality of penalty precedents. Further consideration was provided to the serious nature of the offence and the potential implications placed on the safety and welfare of horse and rider when such occurrence are not reported to the stewards without delay. The reviewer finds the penalty is consistent with previous penalty precedents and therefore is not satisfied a reduction in penalty is proven 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**



**QUEENSLAND RACING  
INTEGRITY COMMISSION**

Registry Location:	Level 9, 259 Queen Street, BRISBANE QLD 4001
Postal Address:	GPO Box 1639, BRISBANE QLD 4001
Phone:	1300 753 228
Email:	<a href="mailto:enquiries@qcat.qld.gov.au">enquiries@qcat.qld.gov.au</a>