

Stewards' Report

Stewards Report: John Phelan – Dulcie Tie

Date: 15 April 2021

Panel: P Chadwick, D Aurisch and A Turner

Queensland Racing Integrity Commission (QRIC) Stewards today concluded an inquiry into analysts' findings that the prohibited substance Epirizone was detected in a post-race urine sample collected from the thoroughbred mare DULCIE TIE at the Gold Coast Turf Club on 20 July 2019.

The inquiry was conducted via written correspondence whereby Stewards considered documentary evidence from the Racing Science Centre and the Australian Racing Forensic Laboratory and subsequently charged trainer Mr John Phelan pursuant to Australian Rule of Racing 240(2).

Australian Rule of Racing 240(2) provides:

Subject to subrule (3), if a horse is brought to a racecourse for the purpose of participating in a race and a prohibited substance on Prohibited List A and/or Prohibited List B is detected in a sample taken from the horse prior to or following its running in any race, the trainer and any other person who was in charge of the horse at any relevant time breaches these Australian Rules.

The specifics of the charges being that Mr Phelan, as the licensed trainer of DULCIE TIE, brought that mare to the Gold Coast Turf Club on 20 July 2019 for the purpose of competing in a race, being Race 7 the Arc Utilities Fillies and Mares Class 1 Handicap over 1400 metres, and an analysis of the post-race urine sample collected from DULCIE TIE detected the presence of Epirizone in the sample, which is a prohibited substance on Prohibited List A of the Australian Rules of Racing.

Mr Phelan entered a plea of guilty to the charge and made written submissions in respect of any penalty to be imposed.

In determining penalty in relation to the charge, the Stewards considered the following:

1. The nature, circumstances and seriousness of the offence, noting that DULCIE TIE had been treated with a prescribed veterinary product some five (5) days prior to the mare competing in the subject race, with such treatment being a result of the mare's behavioural difficulties and the treatment being recorded in the treatment record book;
2. Mr Phelan's personal circumstances, character and general background, noting Mr Phelan has held a licence in the racing industry since the 1980's and was dealing with several major health issues at the time of the incident;

3. Mr Phelans' disciplinary history, noting that he has held a Thoroughbred Trainer's Licence for approximately twenty-five (25) years and that his disciplinary history is clear of any prior offence pursuant to Australian Rule of Racing 240(2);
4. Mr Phelan's plea of guilty at the earliest available opportunity;
5. Mr Phelan's remorse and embarrassment as a result of the breach;
6. The penalty precedents for breaches of Australian Rule of Racing 240(2) specific to the prohibited substance Ephetrenbolone; and
7. The requirement for penalties to act as both a specific deterrent to Mr Phelan to reduce the risk of further offending and as a general deterrent to the wider racing industry for the integrity of the racing industry to remain paramount.

The Stewards' Panel, having considered the above factors and specifically Mr Phelan's exemplary disciplinary history and his plea of guilty at the earliest available opportunity, determined the appropriate penalty for the offence as specified was a monetary penalty in the amount of \$4,000.00 with \$1,000.00 to be wholly suspended for a period of twelve (12) months on the condition that Mr Phelan does not reoffend against Australian Rule of Racing 240(2) throughout that period.

Furthermore, acting under the provisions of Australian Rule of Racing 240(1), DULCIE TIE was disqualified from its 7th placing in the Arc Utilities Fillies and Mares Class 1 Handicap over 1400 metres and the placings were amended accordingly.

Due to the period of time that had elapsed from the date of the collection of the subject sample from DULCIE TIE, Australian Rule of Racing 248(4) could not be effected. However, DULCIE TIE competed in eight (8) races throughout the twelve month period following the positive sample and DULCIE TIE did not obtain a placing higher than 2nd place throughout that time.

Mr Phelan was advised of his rights to apply for an internal review of the decision pursuant to Chapter 6 of the *Racing Integrity Act 2016* (Qld).
