

DETERMINATION AND REASONS FOR DETERMINATION OF
THE RACING PENALTIES APPEAL TRIBUNAL

APPELLANT: IAN EDWARD GREIG

APPLICATION NO: A30/08/308

PANEL: MR D MOSSENSON (CHAIRPERSON)
MS P HOGAN (MEMBER)
MR P HOGAN (MEMBER)

DATE OF HEARING: 27 JUNE 1996

IN THE MATTER OF an appeal by Mr I E Greig against the determination made by Western Australian Turf Club Stewards on 14 June 1996 imposing a six month disqualification under Rule 175(h)(ii).

Mr I Greig represented himself.

Mr J Zucal represented the WA Turf Club Stewards.

At the Stewards' inquiry the appellant was charged as follows:

"... that ... sometime prior to the running of "Dame Fontaine" in the Race 2, the Murray Handicap 1200 metres at Belmont Park on 20th May 1996, you by your own admission administered Ventipulmin to "Dame Fontaine" ..., resulting in the post-race urine sample recording the presence of clenbuterol."

Rule 175 of the Rules of Racing states:

"The Committee of any Club or the Stewards may punish:

...

(h) Any person who at any time administers, or causes to be administered, any prohibited substance as defined in A.R. 1:

...

(ii) which is detected in any pre- or post-race sample taken on the day of any race."

Mr Greig appeals against the penalty in circumstances where he admitted to the Stewards that he administered Ventipulmin. Ventipulmin is a bronchodilator which is a prohibited substance under the Rules of Racing.

The amount detected in the horse's urine sample was medium to low on the scale high, medium and low. Administration was by means of a feed supplement. Mr Greig claimed he ceased administering the drug five and a half days prior to the horse having raced on the 20 May 1996. Expert tests revealed that the drug was administered within three days of racing.

It is apparent from the statement made by the Chairman of the Stewards, who conducted the inquiry, that the Stewards preferred the evidence of the expert. Nothing has been presented to the Tribunal to cause us to take a different view of this aspect. The appellant says that he relied on the advice received from Dr Hilbert and Dr Symons, however, this reliance is inconsistent with the evidence as to the excretion which was presented by Dr Duffield.

At the Stewards' inquiry the evidence from Mr Greig was to the effect that he did not maintain actual written records of treatments. However Mr Greig produced during the course of this hearing a series of sheets which do contain entries in relation to the horse. One such entry is said to reflect the fact that the food additive in question was administered on various specified occasions.

In view of the fact that Mr Powrie, the Chairman of Stewards, was told, whilst in the company of Mr Goddard, the Racecourse Investigator, at Mr Greig's training establishment, "*No I don't keep any records, it's all in my head*", the Tribunal does not place any reliance on these sheets.

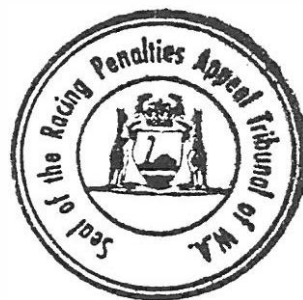
The appellant's personal circumstances and co-operation must be given little weight in view of the fact that this is his third offence for drug related matters.

The Tribunal is satisfied, in view of the circumstances, that the penalty of six months disqualification is appropriate. The appeal therefore fails and is dismissed.

The fee paid on lodgement of the appeal is forfeited.

Dan Mossenson

DAN MOSSENSON, CHAIRPERSON



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