

**GREYHOUND AND HARNESS RACING
APPEALS TRIBUNAL
NEW SOUTH WALES**

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TRIBUNAL - Judge J.C. McGuire
Assessor - Mr J. Schreck

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Appeal by W. Turnbull

Decision

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HIS HONOUR: Mr Turnbull was charged with a breach of Rule 122, which provides:

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The owner, trainer or person in charge of a greyhound nominated to compete in an Event shall produce the greyhound for the Event free of any drug.

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Particulars of the charge involved that “he on 22 June 2007 presented the greyhound Hot Custard for an event, being Heat 7 of the Nowra Qualifying Trials held at Nowra, other than free of prohibited drugs in that the race day urine sample taken from the said greyhound has returned a confirmatory analysis positive to heptaminol.”

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At the Steward's Inquiry Mr Turnbull pleaded guilty and, in effect, assumed full responsibility, blaming nobody else other than himself. That is to his credit. He pointed out to the stewards that he had made a mistake. He demonstrated by the production of two packets containing Kynoselen that one packet which he had used made no reference to the prohibited substance heptaminol, whereas the other packet made such a reference. It was his version of events that he had purchased the second packet amongst other veterinary supplies and really did not examine the description of the ingredients to see what was in it.

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Heptaminol is a prohibited substance. Reference is made to it in a press release of 18 December 2006 and specific reference is made to the veterinary product Kynoselen. A clear warning was provided in that press release. It was published in journals to which trainers would normally be expected to resort. Mr Turnbull has told this Tribunal that, in fact, that did not come to his attention and that he was not aware of heptaminol being a prohibited substance.

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The major difficulty with Mr Turnbull's explanation, and the Tribunal does not in any way, shape or form doubt his explanation, is that even if he had seen that heptaminol appeared on the label of the second container of Kynoselen he would have been unaware that this was a prohibited substance.

Clearly Mr Turnbull, in common with all trainers, has an obligation to make himself fully aware of what substances can be lawfully administered.

5 A penalty of three months disqualification and a fine was imposed. The stewards
took into account Mr Turnbull's admirable record of some 33 years without charge,
without any misconduct relating to drugs or, indeed, any other matter concerning
greyhound racing. They had regard to his evidence to the effect that he does not bet, that
his involvement in greyhound racing is simply that of a hobby and, further, that at the
10 relevant time he was distracted by reason of serious family misfortunes. All this was
considered by the stewards when imposing the said penalty.

Clearly it is important that the public and those participating in the industry see
that dogs be presented drug-free. There is a heavy onus on trainers to ensure that their
15 dogs perform on their merits and that prohibited substances do no effect the dogs'
performances albeit that such a substance may be administered inadvertently.
Heptaminol was clearly indicated on the package and it was careless of Mr Turnbull not
to have made himself aware of this. Simply put he is not entitled to say, "I should have
been aware of its presence, but it was inadvertent or I was distracted and accordingly I am
not culpable."
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Other trainers must be deterred from sloppy or careless practices when medicating
their dogs. The stewards and this Tribunal have a duty to apply meaningful penalties
which may ensure that some other trainer does not present a dog which is not drug-free
because of a similar practice, a similar lack of attention.
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The Tribunal is aware that Mr Turnbull did not benefit financially. It is further
aware that any penalty would have been of significance to him and his family. However,
the necessity for deterrence is such that this Tribunal will not interfere with the penalty
imposed by the stewards, which clearly reflected the consideration to which Mr Turnbull
30 was entitled by reason of his good record and other mitigating matters.

Mr Turnbull's appeal is dismissed and this Tribunal confirms the disqualification and the
fine imposed by the stewards. The appeal deposit is to be returned.

35 12 September 2007
J.C. McGuire