

GREYHOUND AND HARNESS RACING APPEALS TRIBUNAL
NEW SOUTH WALES

TRIBUNAL: B. R. THORLEY, JUDGE

ASSESSOR: MR J. SCHRECK

APPEAL OF T. NORTHEY

DECISION

The trainer Mr Terry Northey has appealed to this Tribunal against the severity of the two orders of disqualification made against him as a result of stewards inquiries which occurred on 4 January 2007. The Appellant is the trainer of Shacoby Rocket, which was presented for a race at Lithgow on 4 November 2006 which it won. A urine sample was taken from the dog and was reported by the Australian Racing Forensic Laboratory as being positive to dexamethasone. That analysis was confirmed by the Queensland laboratory.

Mr Northey is also the trainer of Sugar Shacoby, which he presented for a race at Wentworth Park on 13 November 2006. Again, that dog was successful and, again, it was required to give a urine sample, which was conveyed to the analytical laboratory at Randwick, which once more reported the presence of the same drug. That finding was again confirmed on analysis in the Queensland laboratory.

It should be noted, however, that the finding of the drug in relation to the race at Lithgow was not known by the time that the second dog competed at Wentworth Park some nine days later. How was it that each of these dogs had this drug in its system? There was a stage when, during the hearing before the stewards, the suggestion was floated that the finding was the result of the ingestion of meat which may have been contaminated. This suggestion was put to the witnesses at the time of the inquiry, and in a real sense was dismissed by them as lacking any credence. Equally, we do not attribute to it any weight at all.

More to the point is the history of what took place with these two dogs. In each case, in a matter of but a short number of days before the day on which the dog had been nominated to race, the dog exhibited some measure of impairment of function in a leg. In each case, the Appellant repaired with the dog to a man whom he described in evidence as his "muscle man". The identity of that person has now been revealed to be a Mr Cavilleri. In each case, Mr Cavilleri administered an injection to each of the dogs. What was injected? There is no evidence. How it was injected—that is to say, muscularly or intravenously—is not known. How much fluid was injected is not known. All that is known is that the Tribunal is assured that the Appellant has spoken to Mr Cavilleri, who wishes it to be

understood that nothing that he gave by way of injection to either dog could have resulted in the laboratory findings.

We have no doubt that whatever it was that was injected into each of these dogs is the cause of the laboratory findings. That there was a common drug, resulting from a common treatment, makes that conclusion irresistible. It is a measure, we think, of the Appellant himself that he does not know what it is that was injected into these dogs. To take a dog to a person who may have a reputation amongst some sections of the industry of caring for greyhounds, but then to permit of that person performing duties which would ordinarily be expected to be performed by a properly qualified and licensed veterinary officer, is fraught with danger. The particular substance which was found on analysis is contained in a number of veterinary products, all of which are Schedule 4 drugs under the Drug Misuse and Trafficking Act. That is to say, normally these products would not be available to a person such as Mr Cavilleri; they would have to be obtained on prescription somewhere, somehow. We think this displays a lack of concern for and a lack of recognition of the trainer's obligation under the Rules of Greyhound Racing.

In each case, a charge of breaching the drug rule was laid against the Appellant and he was found guilty of it. In relation to the first charge, he was subjected to a period of three months disqualification, together with the imposition of a fine of three penalty units. In relation to the second charge, he was subjected to a period of six months disqualification, but it was directed that that period be served concurrently with the three months imposed on the first charge. In other words, that meant that in total in respect of both offences, he was to serve a period of six months disqualification. In addition, he was also subjected to an additional fine of three penalty units, or \$330, on that second charge.

We acknowledge that Mr Northey has a good record in the greyhound industry and that he is well regarded by those clubs to which he makes a real contribution in terms of administration and general support. Testimonials which have been lodged with the Tribunal demonstrate that. We are also aware that there was a previous case, in 2006, involving the same drug, when the stewards determined to impose no period of disqualification and merely fined the then offender a lesser amount of money. We do not regard that information as of any particular assistance. The facts of each case, of course, vary one to the other. We are not aware of what ameliorating circumstances there were that led to such a lenient result in that case. More to the point is that we think that the decisions which were handed down here cannot be said to be untoward. They are decisions which are within the reasonable range of penalty available to the stewards, and they are penalties which we ourselves would have imposed anew.

On that basis then, both appeals will be dismissed, in each case the penalty is confirmed, and in each case the appeal deposit will be forfeit.

B. R. Thorley, Judge
7 February 2007