

**SOUTH AUSTRALIAN  
RACING APPEALS TRIBUNAL**

**RAT 15/2024**

**DATE OF HEARING:** (1) 12 AUGUST 2024  
(2) 21 OCTOBER 2024

**TRIBUNAL:** DEPUTY PRESIDENT - MR MICHAEL KING

**IN ATTENDANCE:** GRSA, GENERAL MANAGER, RISK AND  
COMPLIANCE - MR DEREK KORDICK  
CHIEF STEWARD – MR D JONAS

**APPELLANT:** MR DONALD J TURNER

IN THE MATTER of an Appeal by **MR DONALD TURNER** against the severity of the penalty resulting from a decision of **GREYHOUND RACING SA LTD INTEGRITY HEARINGS PANEL.**

Mr Turner was charged with breaches of Greyhounds Australasia Rules 141(a) and 141(3).

**DETERMINATION**

Donald James Turner (the Appellant) is a trainer licensed by Greyhound Racing South Australia.

On 4 May 2023 the Appellant entered a greyhound MONTANA LACE in Race 8 the McQueens Tavern Race at the Adelaide Greyhound Racing Club.

At the conclusion of the race a post-race urine sample was obtained from MONTANA LACE. Later analysis revealed a positive result for a prohibited substance namely 5 $\beta$ -androstane-3 $\alpha$ , 17 $\beta$ -diol ("Androstane"). That substance in excess of a threshold of 10 ng/mL is a prohibited substance.

Pursuant to Rule 140, Androstane is a prohibited substance subject to a threshold (10ng/mL).

The Integrity Hearings Panel ("IHP") commenced an Inquiry on 17 August 2023 and the Appellant was charged with a breach of GRSA Rule 141(1)(a) & (c) & 141 (3).

The Appellant pleaded guilty to that charge.

Although the offence is an offence of strict liability, in that it is not incumbent upon the Stewards or the IHP to determine the source of the prohibited substance, merely that the

licenced Trainer has nominated and presented a greyhound not free of the prohibited substance, the IHP considered what might have been the source of the prohibited substance for the purpose of arriving at an appropriate penalty.

At the hearing before the IHP, the Appellant put forward a theory that a medication Ethyloestrenol may have been responsible for the high reading. Evidence was obtained from Dr Karamatic, a veterinary consultant with Greyhound Racing Victoria which effectively ruled out that possibility.

On that basis, the IHP proceeded to fix penalty on the basis that the source of the prescribed substance was unknown. Taking into relevant information provided by the Appellant regarding his age, period of time in the industry, the nature of his training operation, and his record, the IHP fixed a penalty commencing with the Penalty Guideline for a Category 1 Substance - two years disqualification, but then reducing the starting disqualification by 25% for the early guilty plea to 18 months. The IHP then imposed:

- a penalty of disqualification of 18 months but with the final six months of the period of disqualification suspended; and in addition
- a fine of \$5,000.00 with \$2,500.00 of the fine suspended.

The Appellant appealed to this Tribunal against the severity of this penalty.

The Appellant's appeal was lodged out of time and at an initial application the Appellant was granted an extension of time within which to lodge his appeal.

At the hearing of the appeal the Appellant produced correspondence from a veterinary surgeon, Dr Katakasi. The effect of Dr Katakasi's evidence was that testosterone (of which the prescribed substance Androstane was a metabolite) can be naturally found in female greyhounds and that offered a possible innocent explanation for the level of the prohibited substance Androstane found on analysis.

In response the Stewards provided further information from Dr Karamatic and also a statement from an analytical chemist Dr Adam Cawley.

That further evidence established that the level of the prohibited substance (Androstane) was in excess of 20 ng/mL and potentially as high as 63 ng/mL.

Whilst the possibility of a naturally occurring testosterone level could not be completely negated, there was no evidence of testosterone or its metabolite Androstane ever having been detected naturally occurring at levels above 10 ng/mL and certainly not, (as in this case), at much higher levels. Dr Karamatic described tests conducted over the past eight years - over 30,000 which had not produced such a reading.

Based on that evidence, the Tribunal finds that the prospect of this being a naturally occurring concentration is so unlikely as to be able to be disregarded. The Tribunal finds that the Appellant is to be penalised on the basis that his case falls within the category of presentation cases where the source of the prohibited substance is not established and is not known.

The Appellant again addressed the severity of penalty by reference to his personal circumstances. After consideration of the starting point set out in the GRSA Penalty Guidelines, but taking into consideration the personal circumstances presented to by the Appellant and noting the range of penalties which have been applied interstate, the Tribunal's decision is that the basic structure of the IHP penalty is appropriate, but that modification of the penalty in relation to the suspended portions is called for.

The Appellant's appeal is upheld. In lieu of the penalty imposed by the IHP, the Tribunal imposes the following penalty:

- Disqualification of 18 months of which the first six months must be served but the remaining 12 months is suspended on condition that the Appellant not re-offend against this or a similar Rule for a period of two years from 21 October 2024; and
- That the Appellant be fined \$5,000.00, which sum is wholly suspended on condition that the Appellant not re-offend under this or a similar Rule for a period of two years from 21 October 2024.

Noting that the Appellant's disqualification took effect on 9 July 2024, the Tribunal orders that the period of disqualification commence to run from 9 July 2024.

There is also an order for a refund of the applicable portion of the bond.

**M King**  
**Deputy President SARAT**

**29 October 2024.**