



THOROUGHBRED RACING SA LIMITED

STIPENDIARY STEWARDS' REPORT – MR H. DWYER/MS K. COLEMAN

MORPHETTVILLE – TUESDAY, 28 AUGUST 2018

MORPHETTVILLE – SATURDAY, 5 MAY 2018

Stewards concluded an inquiry, commenced on Saturday 5 May 2018 at the Morphettville Racecourse prior to the running of Race 7, following a report made by TRSA Stewards who conducted surveillance in the Morphettville stable precinct. The subject matter of the inquiry concerned the circumstances surrounding a backpack with a number of items, including a premixed substance and a vial of **Sarapin**, being found at the stables where the racehorse Legless Veuve (NZ) was stabled for its engagement in Race 7 at Morphettville on Saturday, 5 May 2018, and the involvement of that horse's trainer, Mr. Henry Dwyer and his stable employee Ms. Katherine Coleman in relation to the items and substances found in that backpack. The subject matter also concerned Mr. Dwyer and Ms. Coleman's intentions in relation to those items/substances found, particularly in respect of the horse Legless Veuve (NZ).

Evidence was taken from Mr. H. Dwyer, the Trainer of Legless Veuve (NZ), stable employee Ms. K. Coleman and the TRSA Stewards who conducted surveillance and a subsequent stable inspection. Stewards also considered the results of the forensic analyses of the mobile phones of both Mr. Dwyer and Ms. Coleman. It was noted that these results did not disclose any impropriety relating to the subject matter of the inquiry.

Stewards further considered the results of the analyses of the premixed substance confiscated, which analyses was conducted by Racing Analytical Services Limited (RASL), an Official Racing Laboratory. Having regard for the evidence of Mr. Dwyer, the results of RASL and the opinion of a racing veterinarian in relation to the premixed substance, Stewards were satisfied that the premixed substance was consistent with pre travel treatment and consequently consistent with the reason provided by Mr. Dwyer (which was, that the premixed substance was intended as a pre travel treatment for Legless Veuve (NZ) prior to its return to Victoria the following day). Stewards noted that there was no evidence to suggest that either Mr. Dwyer or Ms. Coleman engaged in any activity associated with race day treatment. Stewards further noted that at the time of the backpack being discovered and confiscated, Mr. Dwyer had not been present at the stable complex, only Ms. Coleman was present.

Stewards further considered evidence obtained from the Australian Pesticides and Veterinary Medicines Authority (APVMA) in the form of an evidentiary certificate in relation to the substance – **Sarapin**, which substance (vial) was found in the backpack at the stable location. The APVMA evidentiary certificate confirmed that;

- (a) the substance **Sarapin** was not a registered, listed or a reserved chemical product and was not subject to any permit or exemption as at 21 August 2018, and
- (b) **Sarraceniaceae** (Pitcher Plant), a constituent of **Sarapin** was not an approved constituent for a proposed or existing chemical product as at 21 August 2018.

Having regard for the evidence, including the evidentiary certificate provided by the APVMA and the fact that the vial of **Sarapin** was found in the possession (the backpack) of Mr. Dwyer, Stewards charged Mr. Dwyer under the provisions of AR.80E.(1) which states – “*Any person commits an offence if he has in his possession or on his premises any substance or preparation that has not been registered or labelled, or prescribed, dispensed or obtained, in compliance with the relevant State and Commonwealth legislation. (2) The Stewards may take possession of any substance or preparation mentioned in subrule (1), and may use it as evidence in any relevant proceedings.*”

The particulars of the charge being;

That Mr. Dwyer, a licensed trainer, had in his possession, at the visiting stables, at Morphettville, where his horse Legless Veuve (NZ) was stabled prior to its engagement on Saturday, 5 May 2018 in Race 7 at Morphettville, a substance, **Sarapin**, which had not been registered in compliance with State and Commonwealth legislation.

Mr. Dwyer pleaded guilty to the charge.

In determining penalty, Stewards had regard for Mr. Dwyer's guilty plea, his personal circumstances, and the circumstances surrounding the possession of the vial of **Sarapin**, and factors relating to individual and general deterrence. Stewards also noted that Mr. Dwyer had previously offended under this rule. In the circumstances, Mr. Dwyer was fined \$1,000.

Mr. Dwyer was informed of his right of appeal.

It was noted that Ms. Coleman took the backpack to the stable complex on the instruction of Mr. Dwyer and consequently no charges were laid against Ms. Coleman.

J. C. PETZER

CHAIRMAN OF STEWARDS

28 August 2018