

MR MATTHEW JOHNSTONE - INQUIRY CONDUCTED

23 FEBRUARY 2022

On Monday 21 February 2022, Harness Racing New South Wales (HRNSW) Stewards conducted an Inquiry into a report received from the Australian Racing Forensic Laboratory (ARFL) that synephrine had been detected in the urine sample taken from JAY PEEZ OFFICIAL following its win in race 1, FERNDALE DISTRIBUTORS LADYSHIP PACE (2000 metres) conducted at Temora on Tuesday 5 January 2021.

The 'B' sample was confirmed by Racing Analytical Services Limited (RASL) in Victoria.

Mr Johnstone appeared at the Inquiry and provided evidence in relation to his registered training establishment. HRNSW Regulatory Veterinarian Dr Martin Wainscott was also present and provided evidence to the Inquiry. Results of analysis for plant samples obtained from Mr Johnstone's registered training establishment were also entered into evidence.

Mr Johnstone pleaded guilty to a charge issued by HRNSW Stewards pursuant to Rule 190 (1), (2) & (4) as follows:

AHRR 190. (1) *A horse shall be presented for a race free of prohibited substances.*

(2) *If a horse is presented for a race otherwise than in accordance with sub rule (1) the trainer of the horse is guilty of an offence.*

(3) *If a person is left in charge of a horse and the horse is presented for a race otherwise than in accordance with sub rule (1), the trainer of the horse and the person left in charge is each guilty of an offence.*

(4) *An offence under sub rule (2) or sub rule (3) is committed regardless of the circumstances in which the prohibited substance came to be present in or on the horse.*

Although HRNSW Stewards were satisfied that the detection of synephrine resulted from the horse JAY PEEZ OFFICIAL ingesting plants at Mr Johnstone's registered training establishment, HRNSW Stewards were not satisfied that Mr Johnstone had taken all reasonable measures, since his previous two (2) prohibited substance matters that occurred in similar circumstances, to ensure that his horses were presented in accordance with the Australian Harness Racing Rules.

Consequently, Mr Johnstone was disqualified for a period of 6 months to commence immediately.

In considering penalty Stewards were mindful of the following;

- Mr Johnstone's third Prohibited Substance offence (two previous offences resulted in no penalty being imposed);
- Mr Johnstone's guilty plea;
- Class 3 Prohibited Substance;
- Previous warnings issued to Mr Johnstone to take all reasonable measures to manage his training establishment and to ensure his horses were presented in accord with the Rules.
- Mr Johnstone's licence history and other personal subjective facts.

Acting under the provisions of AHHR 195, JAY PEEZ OFFICIAL was disqualified from the abovementioned race.

Mr Johnstone was advised of his right to appeal this decision.

For further information on this matter contact:
HRNSW Integrity Department
(02) 9722 6655