

MR MATHEW JOHNSTONE INQUIRY

JANUARY 22, 2019

ON Friday October 5, 2018, 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 a post-race urine sample obtained from FLORIST following its win in Race 5 at Young on Tuesday February 27, 2018.

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

Mr Johnstone appeared at the inquiry and provided evidence of his registered training establishment and husbandry practices.

Evidence including the Reports of Analysis were presented to the inquiry as well as analytical reports in relation to vegetation samples obtained by HRNSW from Mr Johnstone's training establishment.

HRNSW Regulatory veterinarian, Dr Martin Wainscott also provided evidence to the inquiry.

Mr Johnstone pleaded guilty to a charge issued pursuant to Rule 190 (1), (2) & (4) for presenting FLORIST to race not free of a prohibited substance, namely synephrine.

Acting under the provisions of Rule 195, FLORIST was disqualified from the abovementioned race.

The official results were amended to the following:

1st – CULLENS LADY NZ

2nd – FRANCISCO DE GORE

3rd – ANOTHER BUDDY

4th – ROCKETER

An adjournment was sought by HRNSW Stewards to allow Mr Johnstone to further submit details of contact between local land services and to provide an Agronomist report regarding a control program for his property.

On Sunday January 13, 2019, the inquiry was reconvened and the above reports were entered into evidence.

In respect of the Agronomist report, Steward were satisfied that the Mr Johnstone had demonstrated that he had taken reasonable steps to ensure that his training established was managed for plants containing synephrine prior to the sample being taken from FLORIST on Tuesday February 27, 2018.

In respect of that charge, Stewards recorded a conviction, however, did not impose a penalty on Mr Johnstone as they were satisfied that the detection of synephrine had resulted from environmental contamination.

Continued . . .

For further information on this matter contact:
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In considering penalty Stewards were mindful of the following:

- Mr Johnstone's second Prohibited Substance offence;
- Mr Johnstone's guilty plea;
- Analytical reports;
- Environmental contamination;
- The fact that Mr Johnstone had demonstrated that he had taken reasonable steps to ensure his property had been managed for plants containing synephrine;
- Mr Johnstone's licence history and other personal subjective facts.

Mr Johnstone was advised of his right to appeal these decisions.

Mr Johnstone was further advised that he must continue to take all reasonable measures to further manage his training establishment and horses to ensure that his horses were presented in accordance with the Rules. This process would include but not limited to further advice provided in the Agronomist report in addition to maintaining a log book of all treatment and action taken on his property.

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