

MR PHILLIP WALTERS INQUIRY

OCTOBER 30, 2019

HARNES Racing New South Wales (HRNSW) Stewards concluded an inquiry that commenced on 20 March 2019 and resumed on 26 August 2019 in relation to a report from the Australian Racing Forensic Laboratory (ARFL) that acetazolamide had been detected in the blood sample taken from **PLAYING ARKABELLA** prior to its win in race 7, the **TAB PACE (1755 metres)** conducted at Wagga on Friday 28 September 2018.

HRNSW also received a report from ARFL that acetazolamide had been detected in the urine sample taken from **PLAYING ARKABELLA** following its win in that race.

The 'B' samples were confirmed by Racing Analytical Services Limited (RASL) in Victoria.

HRNSW Stewards also conducted the Inquiry in relation to a report from ARFL that acetazolamide had been detected the blood sample taken from **PLAYING ARKABELLA** prior to race 8, the **CONGRATULATIONS MOLLY TURTON PACE (1755 metres)** conducted at Wagga on Friday 5 October 2018.

In addition, ARFL reported that an erythropoiesis stimulating agent had also been detected on screening.

The Hong Kong Jockey Club (HKJC) confirmed the detection of peptide VNFYAWK in that sample.

In relation to the 'B' sample, LGC in the United Kingdom confirmed the detection of acetazolamide in that sample. Although there was evidence for the presence of rhEPO (recombinant human EPO) tryptic peptide T5 in that sample, LGC were unable to issue a certificate in relation to that substance.

On 29 August 2019, following consideration of the evidence HRNSW Stewards issued three (3) charges against Mr Walters pursuant to Australian Harness Racing Rule (AHRR) 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.

In submissions provided by Mr Walter's legal representative, Mr Walter's admitted liability in relation to Charges 1 and 2 regarding the presentation of the horse **PLAYING ARKABELLA** to race not free of the prohibited substance acetazolamide at Wagga on Friday 28 September 2018 and 5 October 2018.

Mr Walters was found guilty of Charge 3 in relation to the presentation of the horse **PLAYING ARKABELLA** to race not free of the prohibited substance peptide VNFYAWK at Wagga on Friday 5 October 2018.

HRNSW Stewards imposed the following penalties:

Charge 1: Disqualification for a period of 2 years and 3 months to commence from 23 November 2018 the date upon which Mr Walters was stood down pursuant to AHRR 183 and conclude on 22 February 2021;

Charge 2: Disqualification for a period of 2 years and 3 months to be served concurrent to Charge 1.

For further information on this matter contact:
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Charge 3: Disqualification for a period of 5 years and 6 months to be served cumulative to Charges 1 & 2 to commence from 23 February 2021 and conclude on 22 August 2026.

In considering penalty Stewards were mindful of the following:

- Mr Walters' involvement in the harness racing industry, his licence history and offence record;
- Mr Walters' previous prohibited substance offence;
- HRNSW Penalty Guidelines and classification of the prohibited substances;
- Mr Walters' personal and financial subjective matters;
- Mr Walters' admissions of liability in relation to two (2) of the charges;
- Mr Walters' lack of plea and denial of Charge 3.

Acting under the provisions of AHRR 195, PLAYING ARKABELLA was disqualified from the abovementioned races.

In addition, HRNSW Stewards ordered that Mr Walters pay to HRNSW within 14 days of being advised of the Steward's Decision, the sum of \$14,424 as costs pertaining to the analytical tests that were costs borne by the Controlling Body in relation to the prohibited substances from his horse pursuant to HRNSW Local Rule 256A as follows:

NSWLR256A (1) The Stewards, having determined after an inquiry or investigation to impose a penalty upon a person for a breach of, or offence under, these Rules, may make such order as they think fit as to the payment of costs by that person in part or full of any costs and expenses incurred by the Controlling Body in connection with that inquiry or investigation.

(2) A costs order made under this Rule is additional to, and does not form part of, any penalty imposed upon the person. However the order as to costs does form part of the decision made by Stewards, and is not intended to be protected from any rights of Appeal the person may have.

(3) A costs order is payable as a debt to the Controlling Body within 14 days of notification of the quantum of the order, whether orally or in writing, to the person. Failure to comply with the terms of payment, or to enter into a payment arrangement satisfactory to the Controlling Body, may lead to the person being placed on the Unpaid Forfeit List.

Mr Walters has appealed these decisions.

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