



INTERNAL REVIEW DECISION

(Internal Review Decision Notice in response to an Application for Internal Review)

PART 1: Details of Internal Review	
Internal Review Number:	Internal Review 0026-17
Applicant's Name:	D. Duryea
PART 2: Decision History	
Original Decision:	Breach of Rule 178 of the Australia Rules of Racing
Original Decision Makers:	D. Aurisch, N. Boyle, E. Barron
Date of Original Decision:	3 May 2017
Internal Review Decision:	Original decision on charge and penalty confirmed
Internal Review Decision-Maker:	Mr Kane Ashby, Internal Adjudicator, Queensland Racing Integrity Commission
Date of Internal Review Decision:	31 May 2017
PART 3: Summary of Internal Review Application	
<p>The Applicant, Ms Darlene Duryea, was the trainer of DANSU when it raced at the Ipswich Turf Club on 30 December 2016. A post-race urine sample collected from the horse was found to contain the prohibited substance cobalt at a mass concentration greater than 200mg/L.</p> <p>On 3 May 2017 at a stewards' inquiry, the Applicant was charged with a breach of Australian Rule of Racing 178.</p> <p>Australian Rule of Racing 178 states: <i>Subject to AR.178G, when any horse that has been brought to a racecourse for the purpose of engaging in a race and a prohibited substance is detected in any sample taken from it prior to or following its running in any race, the trainer and any other person who was in charge of such horse at any relevant time may be penalised.</i></p> <p>The Applicant pleaded not guilty to the charge.</p> <p>The stewards' subsequently found the Applicant guilty of the charge and disqualified her for a period of 12 months' effect immediately.</p> <p>The Applicant sought a review of charge and penalty. The Applicant made submissions in support of her application, which in summary stated that the penalty is excessive due to being found guilty of a presentation charge and not administration, her good disciplinary record and personal and financial circumstances.</p>	
PART 4: Reasons for Internal Review Decision	
<p>The reviewer finds, in considering the submissions on penalty, including cobalt precedents, it would be completely inconsistent and inappropriate in the circumstances to impose a monetary penalty. Therefore, in considering all the evidence in its entirety, the reviewer is not satisfied the original penalty is excessive or that a reduction in penalty is proven and therefore confirms the original decisions on charge and penalty.</p>	



PART 5: Review Rights following Internal Review Decision

In accordance with section 246 of the *Racing Integrity Act 2016*, as the applicant for an internal review of the original decision, you are able to apply to the Queensland Civil and Administrative Tribunal (QCAT) for an external review of the internal review decision.

An external review is commenced by lodging the appropriate forms with QCAT. In accordance with section 33 of the *Queensland Civil and Administrative Tribunal Act 2009*, an application for an external review of an internal review decision is to be made within 28 days from the day this internal review decision notice is provided to the applicant.

For further information regarding the processes for an external review of the decision, please contact QCAT:

Queensland Civil and Administrative Tribunal

Registry Location: Level 9, 259 Queen Street, BRISBANE QLD 4001
Postal Address: GPO Box 1639, BRISBANE QLD 4001
Phone: 1300 753 228
Email: enquiries@qcat.qld.gov.au