

**By SOUTH AUSTRALIAN
RACING APPEALS TRIBUNAL**

RAT 13/2025

DATE OF HEARING: Thursday, 18 December 2025
TRIBUNAL: President: Mr T Anderson KC
APPELLANT: Trainer: Mr D Carrison
REPRESENTED BY: Mr A Pittaway
RACINGSA: Manager of Integrity – Mr J Petzer

IN THE MATTER of an Appeal by Mr. Darryl Carrison against a decision of Racing SA Ltd Stewards.

BREACH OF RULE: AR 242(a)

Prohibited substance in sample taken from horse at any time.

If a prohibited substance on Prohibited List A is detected in a sample taken at any time from a horse being trained by a licensed person:

(a) the trainer and any other person who was in charge of the horse at the relevant time breaches these Australian Rules, unless that trainer or other person satisfies the relevant PRA or the Stewards that he or she took all proper precautions.

PENALTY: Disqualification 4 years.

DETERMINATION

Mr Carrison is a trainer licensed by Racing SA Limited for the 2024/25 racing season. He trained the horse, RUBIKTON.

This is an Appeal by Mr D Carrison against a decision by Racing SA Stewards to disqualify him for a period of four years. Mr Petzer, General Manager Integrity for Racing SA represented the Stewards, and Mr A Pittaway acted as legal counsel for Mr Carrison.

The circumstances giving rise to the disqualification was that an out-of-competition blood sample taken from the horse RUBIKTON, on 16 January 2025, disclosed the presence of recombinant human erythropoietin, EPO.

The Stewards called scientific evidence to prove their case. This evidence was not disputed by the Trainer. He pleaded guilty in answer to the charge against him.

Mr Carrison was charged under Rule 242(a) and the particulars stated were; *“as the Trainer of the racehorse RUBIKTON and the person in charge of the horse at all relevant times leading up to and including 16 January 2025 when an out of competition blood sample, sample number R609109 taken from the horse subsequently detected upon analysis the*

presence of recombinant human erythropoietin, EPO, which is a prohibited substance in accordance with the prohibited list A”.

Mr Carrison called a witness, “L”, in an attempt to explain a possible cause for the presence of the prohibited substance. That evidence was that “L”, who was staying with Mr Carrison at the relevant time, used syringes and needles belonging to the Trainer, to inject himself with some EPO left over from his late father’s medication which was prescribed for various medical conditions his father had suffered. The EPO, it was said, was somehow transferred to these syringes and needles when later used by Mr Carrison.

The evidence of “L” was put to Professor Sillence, one of the experts called by the Stewards. He said that in those circumstances “it would be highly unlikely that the concentration in the horse would come close to the concentration detected by the laboratories.” He did not believe that “L’s” evidence, if accepted, could amount to the result obtained through scientific analysis. He also considered that on the scenario painted by “L”, “it would be an amount that would be so small that it would not be able to be measured.”

Mr Petzer submitted that this evidence from “L” was no more than a remote and unlikely possibility to explain the reading obtained.

This is a case of strict liability, Mr Carrison had to discharge an onus on the balance of probabilities that the evidence of “L” provided an explanation for the evidence obtained. I find that “L’s” evidence did not provide such an explanation.

Mr Petzer correctly submitted that this present matter was a case in which the Tribunal cannot determine where the EPO came from and that the evidence of “L” is not sufficient to discharge the onus.

As indicated, to his credit Mr Carrison had pleaded guilty to the charge under AR 242(a).

Mr Pittaway suggested that the penalty imposed of four years disqualification was harsh and oppressive, “plucked out of thin air” and did not accord with decisions made interstate. He submitted that those Authorities, although not binding, should have provided persuasive authority to the Stewards because this was the first case of EPO detected in South Australia.

In this matter, because it is the first in the State, I consider that those interstate decisions can be used as a guide, or cross check, on what is a reasonable penalty in the circumstances of this case.

Mr Pittaway submitted that this was not a case of “causing embarrassment to the industry”, that there was no prizemoney involved and that there was no effect on betting, as it was relating to a sample taken out of competition.

For his submission Mr Pittaway relied chiefly on two interstate decisions, the matters of Kelly (Racing NSW) and McLean (Racing Victoria).

The Kelly decision was given by the Appeals Board of Racing NSW on 20/12/23. Mr Kelly pleaded guilty to two charges under AR 240(2) in respect to samples from two different horses. Mr Kelly had no previous convictions.

Mr Kelly was disqualified by the Stewards for fifteen months on each count to be served concurrently. His appeals against the penalties were dismissed.

Mr McLean was charged with an offence of administration. The prohibited substance was EPO. Clearly this was a more serious offence than the one before the Tribunal. Mr McLean had a poor record, including prohibited substance offences. Counsel acting for Mr McLean did not dispute that a three year disqualification was appropriate. Accordingly, he was disqualified for a period of three years.

Mr Petzer handed up a bundle of other interstate decisions, with another allowed to be provided after the hearing had concluded. The decision handed up after the hearing was that of Quinlan from Harness Racing in Victoria. That Trainer was charged with three offences involving darbepoetin alfa (DPO), one out of a positive result in an out-of-competition sample, and the others were from post-race samples taken some two weeks apart.

Clearly these were very serious matters which resulted in the Trainer being disqualified for a period of six years for each offence with the three penalties to be served concurrently. On appeal, each of the sentences was reduced to a period of four years disqualification and ordered to be served concurrently.

Mr Petzer relied on the matter of Laming in which VCAT supported the decision of the RAD Board to disqualify the Trainer for three years on each of three charges to be served concurrently. These offences which took place in Victoria in 2009 concerned the substance darbepoetin alfa (human erythropoietin) being reported in out-of-competition samples taken from two horses and on different dates.

In this matter the Stewards in determining penalty said, "the Stewards consider that in the circumstances disqualification is an appropriate penalty and we have determined that you be disqualified for a period of five years but given you a discount of twelve months in for your guilty plea and your personal circumstance, bringing it down to a disqualification of four years."

In their sentencing remarks the Stewards said, "the substance involved in this matter is one which raises serious concerns. This is one of the most serious matters you can deal with so far as prohibited substances are concerned, in our opinion". These sentiments are expressed in different ways by the decision makers in the matters to which I have referred. I agree with these expressions as to seriousness.

As can be seen, the Stewards started their considerations at a five year disqualification. In my opinion, that is too high notwithstanding the seriousness of the offence and Mr Carrison's poor record for offence's dealing with prohibited substances. I consider a four year disqualification to be the correct starting point.

The Stewards then applied a discount of twelve months, equal to twenty percent, to cover both the guilty plea and the Trainer's personal circumstances. In ordinary circumstances, it might be expected that a discount of twenty-five percent would apply for a plea of guilty. When whatever additional consideration was given for the personal circumstances, it does mean the twenty percent overall discount does appear minimal, or too low, in my opinion.

I have considered whether a higher discount might be allowed but because I am interfering with a discretion of the Stewards, I will conservatively make the discount twenty-five percent.

Mr Carrison is sixty years of age and informed the Tribunal he left school during year eight. He has been largely illiterate for most of his life but acknowledges he now gets some assistance through technology.

He has been involved with horses all his life and states that he was apprenticed to his step-father Trainer at thirteen years of age. He became licensed as a Trainer at age twenty-one. For some years his main income was derived from being a diver (abalone). A riding injury sustained in 2019 prevents him from diving.

At the time he was disqualified he had twenty horses in his care, with sixteen in full work.

The disqualification has affected him mentally and he has sought treatment. His relationship with his partner has also been affected. He has no other skills other than those relating to horses.

As I have said earlier, I have had regard to the decisions referred to me. In previous decisions I have made it clear that the interstate decisions are not to be regarded as binding, or persuasive authorities. No two matters are the same. I have used those decisions as a cross check when considering what was the appropriate penalty in this matter.

Therefore, the Orders of the Tribunal are;

- (1) Appeal against penalty is allowed;
- (2) Period of disqualification reduced from four years to three years;
- (3) The period of disqualification to conclude at midnight on Saturday 14 October 2028;
and
- (4) The refundable portion of the Fee to be returned to Mr Carrison.

T Anderson KC
President SARAT

6 January 2026