



GREYHOUND WELFARE & INTEGRITY COMMISSION
DISCIPLINARY ACTION DECISION

Date of decision: 15 September 2021

Decision-makers: A/Senior Legal Officer, Alice Stafford, Chief Inspector, David OShannessy and Senior Steward, Dean Degan

Name of relevant person: Mr Frank Anderson

Track: The Gardens

Date: 6 March 2021; 3 April 2021; 10 April 2021

Rule no.: Rule 83(2)(a) (x3)

Charge(s):

(1) Mr Anderson presented the greyhound 'Seymour Blue' ("**Greyhound**") for the purposes of competing in race 4 at The Gardens meeting on 6 March 2021 in circumstances where the Greyhound was not free of any prohibited substance.

(2) Mr Anderson presented the greyhound 'Seymour Blue' ("**Greyhound**") for the purposes of competing in race 5 at The Gardens meeting on 3 April 2021 in circumstances where the Greyhound was not free of any prohibited substance.

(3) Mr Anderson presented the greyhound 'Seymour Blue' ("**Greyhound**") for the purposes of competing in race 3 at The Gardens meeting on 10 April 2021 in circumstances where the Greyhound was not free of any prohibited substance.

Prohibited Substance(s):

Charge 1: caffeine and its metabolites theophylline, paraxanthine and theobromine.

Charge 2: diclofenac, caffeine and its metabolites theophylline, paraxanthine and theobromine.

Charge 3: caffeine and its metabolites theophylline, paraxanthine and theobromine.

Disciplinary action taken: To be served concurrently:

Charge 1: 8-week suspension.

Charge 2: 10-week suspension.

Charge 3: 12-week suspension.

REPORT:

First charge

Following receipt of a certificate of analysis from Racing Analytical Services Limited, the Commission conducted an investigation into the results of a post-race urine sample taken from the greyhound, 'Seymour Blue' ("**Greyhound**") at The Gardens meeting on 6 March 2021.

Further analysis of the sample was conducted by the Australian Racing Forensic Laboratory, confirming the presence of caffeine and its metabolites theophylline, paraxanthine and theobromine.

After considering the evidence, the Commission charged Mr Anderson with a breach of Rule 83(2)(a) of the Commission's Greyhound Racing Rules ("**Rules**") given that the post-race urine sample taken from the Greyhound confirmed the presence of the prohibited substances caffeine and its metabolites theophylline, paraxanthine and theobromine.

Second Charge

Following receipt of a certificate of analysis from Racing Analytical Services Limited, the Commission conducted an investigation into the results of a pre-race urine sample taken from the greyhound, 'Seymour Blue' ("**Greyhound**") at The Gardens meeting on 3 April 2021.

Further analysis of the sample was conducted by the Australian Racing Forensic Laboratory, confirming the presence of diclofenac, caffeine and its metabolites theophylline, paraxanthine and theobromine.

After considering the evidence, the Commission charged Mr Anderson with a breach of Rule 83(2)(a) of the Rules given that the pre-race urine sample taken from the Greyhound confirmed the presence of the prohibited substances diclofenac, caffeine and its metabolites theophylline, paraxanthine and theobromine.

Third charge

Following receipt of a certificate of analysis from Racing Analytical Services Limited, the Commission conducted an investigation into the results of a post-race urine sample taken from the greyhound, 'Seymour Blue' ("**Greyhound**") at The Gardens meeting on 10 April 2021.

Further analysis of the sample was conducted by the Australian Racing Forensic Laboratory, confirming the presence of caffeine and its metabolites theophylline, paraxanthine and theobromine.

After considering the evidence, the Commission charged Mr Anderson with a breach of Rule 83(2)(a) of the Commission's Greyhound Racing Rules ("**Rules**") given that the post-race urine sample taken from the Greyhound confirmed the presence of the prohibited substances caffeine and its metabolites theophylline, paraxanthine and theobromine.

The disciplinary action was conducted in writing in accordance with the participant's election.

DECISION:

1. Mr Anderson is a registered greyhound Owner Trainer and Breeder, and the trainer of the Greyhound.
2. The Greyhound competed in race 4 at The Gardens meeting on 6 March 2021 ("**First Event**"). Following the First Event, a urine sample was taken from the Greyhound. The post-Event swab revealed the presence of caffeine and its metabolites theophylline, paraxanthine and theobromine.
3. Caffeine and its metabolites theophylline, paraxanthine and theobromine are prohibited substances under Rule 1 of the Rules.
4. The Greyhound competed in race 5 at The Gardens meeting on 3 April 2021 ("**Second Event**"). Before the Second Event, a urine sample was taken from Greyhound. The pre-Event swab revealed the presence of diclofenac, caffeine and its metabolites theophylline, paraxanthine and theobromine.
5. Diclofenac, caffeine and its metabolites theophylline, paraxanthine and theobromine are prohibited substances under Rule 1 of the Rules.
6. The Greyhound competed in race 3 at The Gardens meeting on 10 April 2021 ("**Third Event**"). Following the Third Event, a urine sample was taken from the Greyhound. The post-Event swab revealed the presence of caffeine and its metabolites theophylline, paraxanthine and theobromine.
7. The Commission charged Mr Anderson with three offences under Rule 83(2)(a), which reads:
 - (2) The owner, trainer or person in charge of a greyhound-
 - (a) nominated to compete in an Event;
 - ...shall present the greyhound free of any prohibited substance.
8. Mr Anderson provided written submissions and elected to have the disciplinary proceeding conducted in writing.
9. The Commission found the charge proven and took the following disciplinary action against Mr Anderson:

Charge 1 (Rule 83(2)(a), 6 March 2021): To suspend Mr Anderson's registrations for a period of 8 weeks;

Charge 2 (Rule 83(2)(a), 3 April 2021): To suspend Mr Anderson's registrations for a period of 10 weeks;

Charge 3 (Rule 83(2)(a), 10 April 2021): To suspend Mr Anderson's registrations for a period of 12 weeks,
with the periods of suspension to be served concurrently.

10. In taking this disciplinary action, the Commission considered all evidence, including:

- Mr Anderson has held a trainer registration since 1985, approximately 36 years;
- Mr Anderson's disciplinary history, having no prior positive substance matters;
- NSW greyhound racing precedents; and
- The submissions made by Mr Anderson in mitigation of penalty, including in relation to his good behaviour and record, the veterinary advice received in relation to the Greyhound and an explanation for the source of the positive results.

11. In addition:

- The Greyhound was disqualified from race 4 at The Gardens meeting on 6 March 2021 pursuant to Rule 83(4) of the Rules;
- The Greyhound was disqualified from race 5 at The Gardens meeting on 3 April 2021 pursuant to Rule 83(4) of the Rules; and
- The Greyhound was disqualified from race 3 at The Gardens meeting on 10 April 2021 pursuant to Rule 83(4) of the Rules.

.....End.....