



GREYHOUND WELFARE & INTEGRITY COMMISSION
DISCIPLINARY ACTION DECISION

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| Date of decision: | 3 May 2022 |
| Decision-makers: | Director Race Day Operations & Integrity, Wade Birch and Senior Steward, Dean Degan and |
| Name of relevant person: | Mr Terry Duncan |
| Track: | Lismore |
| Date: | 16 November 2021 |
| Rule no.: | 83(2)(a) |
| Charge(s): | Mr Duncan presented the greyhound 'Blackpool Grace' (" Greyhound ") for the purposes of competing in race 5 at the Lismore meeting on 16 November 2021 in circumstances where the Greyhound was not free of any prohibited substance |
| Prohibited Substance(s): | Levamisole |
| Disciplinary action taken: | To suspend Mr Duncan's registration for a period of sixteen (16) weeks. |

Investigation

Following receipt of a certificate of analysis from Racing Analytical Services Limited dated 12 January 2022, the Commission conducted an investigation into the results of a post-Event urine sample taken from the greyhound, 'Blackpool Grace' ("**Greyhound**") at the Lismore meeting on 16 November 2021.

Further analysis of the sample was conducted by the Australian Racing Forensic Laboratory, confirming the presence of levamisole.

DECISION:

1. Mr Duncan is a registered greyhound trainer and the trainer of the Greyhound. The Greyhound competed in race 5 of the Lismore meeting on 16 November 2021. Following the Event, a urine sample was taken from the Greyhound.
2. The post-Event swab revealed the presence of levamisole. Levamisole is a prohibited substance under Rule 1 of the GWIC Greyhound Racing Rules ("**Rules**").
3. On 11 April 2022 Mr Duncan was issued with a notice of charge and proposed disciplinary action ("**Notice**") in relation to the charge, setting out the proposed disciplinary action to be taken and the grounds in support of that proposed disciplinary action. The Notice also provided a brief of evidence for the charge.

4. In the Notice the decision makers charged Mr Duncan with the offence 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.

5. The Notice proposed a penalty of a twenty four (24) week suspension and invited Mr Duncan to attend a scheduled hearing to enter into a plea in relation to the charge and to make submissions in relation to the charge and the proposed penalty.

6. On Friday 22 April 2022 Mr Duncan attended the scheduled hearing with the decision makers, entered a plea of guilty and provided oral submissions, including forthright evidence and an explanation as to the likely source of the prohibited substance detected.

7. The decision makers found the charge proven and took the following disciplinary action against Mr Duncan:

Charge (83(2)(a)): To suspend Mr Duncan's registration for a period of sixteen (16) weeks.

8. In taking this disciplinary action, the decision makers considered all evidence, including:

- Greyhound racing penalty precedents in NSW;
- The length of time Mr Duncan has held a trainer registration, being since 2008, a period of approximately 14 years;
- Mr Duncan's disciplinary history –importantly, one breach of Rule 83(2)(a) in October 2019 in which caffeine and metabolites theophylline, paraxanthine & theobromine were detected. This is his second breach of Rule 83(2)(a) in his time in the greyhound racing industry;
- Mr Duncan's plea of guilty at the earliest opportunity; and
- The oral submissions made by Mr Duncan's at the hearing, including his forthright evidence and explanation as to the likely source of the prohibited substance detected.

9. In addition, the Greyhound was disqualified from race 5 at the Lismore meeting on 16 November 2021 pursuant to Rule 83(4) of the Rules.

.....End.....