

GREYHOUND WELFARE & INTEGRITY COMMISSION
DISCIPLINARY ACTION DECISION

Date of decision:	29 July 2022
Decision-makers:	Senior Steward, Dean Degan and Director Compliance, Policy & Legal Services, Matthew Tutt
Name of relevant person:	Mr Robert John Bray
Track:	Gunnedah
Date:	25 April 2022
Rule no.:	83(2)(a) ¹
Charge(s):	Mr Bray presented the greyhound 'Our Chap Tom' (" Greyhound ") for the purposes of competing in Race 11 at the Gunnedah meeting on 25 April 2022 in circumstances where the Greyhound was not free of any prohibited substance;
Prohibited Substance(s):	Caffeine and its metabolites theophylline, paraxanthine and theobromine;
Disciplinary action taken:	To suspend Mr Bray's registration for a period of 10-weeks with 6-weeks conditionally suspended for 12-months subject to Mr Bray not breaching Rule 83(2)(a) or any like Rule in that period.

Investigation

Following receipt of a certificate of analysis from Racing Analytical Services Limited dated 7 June 2022, the Commission conducted an investigation into the results of a post-Event urine sample taken from the greyhound, 'Our Chap Tom' ("**Greyhound**") at the Gunnedah meeting on 25 April 2022.

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.

DECISION:

1. Mr Bray is a registered greyhound trainer and the trainer of the Greyhound. The Greyhound competed in Race 11 of the Gunnedah meeting on 25 April 2022 ("**Event**"). Following the Event, a urine sample was taken from the Greyhound.
2. The post-Event swab revealed the presence of caffeine and its metabolites theophylline, paraxanthine and theobromine. Caffeine and its metabolites theophylline, paraxanthine and

¹ This is the applicable rule in force at the time of the offence. Rule 141(1) of the Greyhound Racing Rules as published 1 May 2022 is the comparative rule.

theobromine are prohibited substances under Rule 1 of the GWIC Greyhound Racing Rules (“Rules”).²

3. On 12 July 2022 Mr Bray 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 issued on 12 July 2022 the decision makers charged Mr Bray 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. On 29 July 2022 Mr Bray attended the scheduled hearing with the decision makers and entered a plea of guilty and made verbal submissions in relation to the charge.
6. The decision makers found the charge proven and took the following disciplinary action against Mr Bray:

Charge (83(2)(a)):

To suspend Mr Bray’s registration for a period of 10-weeks with 6-weeks conditionally suspended for 12-months subject to Mr Bray not breaching Rule 83(2)(a) or any like Rule in that period.

7. In taking this disciplinary action, the decision makers considered all evidence, including:
 - Greyhound racing penalty precedents in NSW and the Commission’s Penalty Guidelines;
 - The length of time Mr Bray has held a trainer registration, being since 1968, a period of approximately 54 years;
 - Mr Bray’s disciplinary history – importantly his lack of any previous breach of Rule 83(2)(a) in his longstanding association with the greyhound racing industry;
 - Mr Bray’s plea of guilty;
 - The decision makers took into consideration the likely explanation for the source of the positive result being contaminated feed supplements.
 - Other significant mitigating factors include Mr Bray’s submissions as to his personal and financial situation, his preference of for a period of suspension rather than that of a fine, and his contribution to the industry over a significant period as a greyhound racing participant.
 - In determining appropriate disciplinary action, the decision makers referred to the Commission matter of *Littlefield* in March 2022 and Racing Appeals Tribunal matter of

² This is the applicable rule in force at the time of the offence. Rule XX of the Greyhound Racing Rules as published 1 May 2022 is the comparative rule.

Oldfield in June 2021. The decision makers ultimately preferred *Oldfield* as a precedent in terms of issuing a partially and conditionally suspended suspension over a fine, and further reduced the suspension by 2-weeks due to Mr Bray's more extensive time in the industry.

8. In addition, the Greyhound was disqualified from race 11 at the Gunnedah meeting on 25 April 2022 pursuant to Rule 141(4) of the Rules.

.....End.....