

GREYHOUND WELFARE & INTEGRITY COMMISSION
DISCIPLINARY ACTION DECISION

- Date of decision:** 24 August 2022
- Decision-makers:** Deputy Chief Steward, Troy Vassallo, Senior Steward, Dean Degan, and A/ Deputy Chief Inspector, Shaye Barrow
- Name of relevant person:** Mrs Lisa Anne Worthy
- Track:** Goulburn
- Date:** 18 February 2022, 18 March 2022 & 29 April 2022
- Rule no.:** 83(2)(a)¹ x3
- Charge(s):**
- (1) Mrs Worthy presented the greyhound 'Barton' for the purposes of competing in race 4 at the Goulburn meeting on 18 February 2022 in circumstances where the Greyhound was not free of any prohibited substance;
 - (2) Mrs Worthy presented the greyhound 'Special Star' for the purposes of competing in race 7 at the Goulburn meeting on 18 March 2022 in circumstances where the Greyhound was not free of any prohibited substance;
 - (3) Mrs Worthy presented the greyhound 'Apollo Speed' for the purposes of competing in race 8 at the Goulburn meeting on 29 April 2022 in circumstances where the Greyhound was not free of any prohibited substance.
- Prohibited Substance(s):** Tolfenamic acid x3
- Disciplinary action taken:**
- (1) To issue a fine in the sum of \$1000.00;
 - (2) To issue a fine in the sum of \$1000.00, wholly and conditionally suspended for a period of 12-months subject to Mrs Worthy not breaching Rule 83(2)(a) or any like Rule in that period; and
 - (3) To issue a fine in the sum of \$1500.00.

Investigation

Following receipt of a certificate of analysis from Racing Analytical Services Limited dated 30 March 2022, the Commission conducted an investigation into the results of a post-Event

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.

urine sample taken from the greyhound, 'Barton' ("**First Greyhound**") at the Goulburn meeting on 18 February 2022 ("**First Event**").

Further analysis of the sample was conducted by the Racing Science Centre, confirming the presence of tolfenamic acid from the sample taken from the First Greyhound.

On 3 May 2022 Mrs Worthy was issued with a Notice of Charge and Proposed Disciplinary action, with a brief of evidence in relation to Charge 1 ("**First Notice**").

Following receipt of a certificate of analysis from Racing Analytical Services Limited dated 3 May 2022, the Commission conducted an investigation into the results of a pre-Event urine sample taken from the greyhound, 'Special Star' ("**Second Greyhound**") at the Goulburn meeting on 18 March 2022 ("**Second Event**").

On 5 May 2022 Mrs Worthy was notified by the Commission that the disciplinary action outlined in the First Notice would be put on hold pending the confirmatory analysis of the second sample.

Further analysis of the sample was conducted by the Racing Science Centre, confirming the presence of tolfenamic acid from the sample taken from the Second Greyhound.

Following receipt of a certificate of analysis from Racing Analytical Services Limited dated 2 June 2022, the Commission conducted an investigation into the results of a post-Event urine sample taken from the greyhound, 'Apollo Speed' ("**Third Greyhound**") at the Goulburn meeting on 29 April 2022 ("**Third Event**").

On 7 June 2022 Mrs Worthy was notified by the Commission that disciplinary action in relation to all three Events would proceed pending confirmatory analysis of the second and third samples.

Further analysis of the sample was conducted by the Australian Racing Forensic Laboratory, confirming the presence of tolfenamic acid from the sample taken from the Third Greyhound.

On 25 July 2022 Mrs Worthy was issued a Notice of Charge and Proposed Disciplinary action, issuing three Charges, and enclosing a correlating brief of evidence for the Charges.

DECISION:

1. Mrs Worthy is a registered Public Trainer and the trainer of the Greyhounds.
2. The First Greyhound, 'Barton', competed in race 4 of the Goulburn meeting on 18 February 2022. Following the race, a urine sample was taken from the First Greyhound. The post-Event swab revealed the presence of tolfenamic acid.
3. The Second Greyhound, 'Special Star', competed in race 7 of the Goulburn meeting on 18 March 2022. Prior to the race, a urine sample was taken from the Greyhound. The pre-Event swab revealed the presence of tolfenamic acid.
4. The Third Greyhound, 'Apollo Speed', competed in race 8 of the Goulburn meeting on 29 April 2022. Following the race, a urine sample was taken from the Greyhound. The post-Event swab revealed the presence of tolfenamic acid.

5. Tolfenamic acid is a prohibited substance under Rule 1 of the GWIC Greyhound Racing Rules (“**Rules**”).
6. On 25 July 2022 Mrs Worthy was issued with a notice of charge and proposed disciplinary action (“**Notice**”) in relation to the Charges, 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 Charges.
7. In the Notice issued on 25 July 2022 the decision makers charged Mrs Worthy 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. The Notice invited Mrs Worthy to attend a scheduled hearing to enter a plea in relation to the Charges and to make submissions in relation to the Charges and the proposed penalties. The Notice proposed the following penalties;

Charge 1 (Rule 83(2)(a)): To issue a fine in the sum of \$1500.00;

Charge 2 (Rule 83(2)(a)): To issue a fine in the sum of \$1500.00;

Charge 3 (Rule 83(2)(a)): To issue a fine in the sum of \$2500.00.

9. On 1 August 2022 Mrs Worthy provided written submissions via email and entered a plea of guilty to the Charges.
10. On 24 August 2022 Mrs Worthy attended the scheduled hearing with the decision makers alongside a support person. At the hearing Mrs Worthy maintained a plea of guilty to the Charges.
11. The decision makers, upon consideration of all of the evidence, including the pleas and submissions made by Mrs Worthy, found the charges proven and took the following disciplinary action against Mrs Worthy:

Charge 1 (83(2)(a)): To issue a fine in the total sum of \$1000.00;

Charge 2 (83(2)(a)): To issue a fine in the total sum of \$1000.00, wholly and conditionally suspended for a period of 12-months subject to Mrs Worthy not breaching Rule 83(2)(a) or any like Rule in that period;

Charge 3 (83(2)(a)): To issue Mrs Worthy a fine in the sum of \$1500.00

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

- Greyhound racing penalty precedents in NSW;
- The length of time Mrs Worthy has held a trainer registration, being since 1986, a period of approximately 36 years;
- Mrs Worthy's disciplinary history – importantly Mrs Worthy's lack of any prior breaches of the Rules;
- Mrs Worthy's plea of guilty at the earliest opportunity;
- Mrs Worthy's explanation for the likely source of the positive results, being a contaminated meat supply. In support of this was a reference provided from Mrs Worthy's regular veterinarian in respect to Mrs Worthy's husbandry practices and property operations;
- In determining appropriate penalty, the decision makers took into account the GWIC decision of *Bray* in which the Commission offered a period of suspension as an alternative to monetary fines;
- The decision makers determined to wholly suspend the penalty for Charge 2 and aggravate the penalty for Charge 3 in accordance with the timeline of the matter. The Commission appreciates Mrs Worthy had not received notification of the presence of tolfenamic acid in the first sample prior to the Second Event on 18 March 2022. However, in circumstances where a trainer has the opportunity to amend their husbandry practices upon being notified of an irregularity, such as Mrs Worthy had prior to the Third Event, and does not, the decision makers found it appropriate to adjust the penalty accordingly.
- The decision makers also considered the consequence of Rule 83(4) on Mrs Worthy, being the returning of the prizemoney from each event;
- Other mitigating factors considered included Mrs Worthy's submissions and extensive references which credited her character as a greyhound trainer and individual. The Commission appreciates that Mrs Worthy's conduct was an inadvertent breach of the Rules, however her responsibility as a trainer and obligations under the presentation rule cannot be wholly excused.

13. In addition to the above, 'Barton' was disqualified from race 4 at the Goulburn meeting on 18 February 2022 pursuant to Rule 83(4) of the Rules.

14. 'Special Star' was disqualified from race 7 at the Goulburn meeting on 18 March 2022. Furthermore, 'Special Star' was also disqualified from the Final at Goulburn on 25 March 2022 in accordance with Rule 83(5)(b)² of the Rules.

² This is the applicable rule in force at the time of the offence. Rule 141(5)(b) of the Greyhound Racing Rules as published 1 May 2022 is the comparative rule.

15. 'Apollo Speed' was disqualified from race 8 at the Goulburn meeting on 29 April 2022 pursuant to Rule 83(4)³ of the Rules.

.....End.....

³ This is the applicable rule in force at the time of the offence. Rule 141(4) of the Greyhound Racing Rules as published 1 May 2022 is the comparative rule.