

## GREYHOUND WELFARE & INTEGRITY COMMISSION

### DISCIPLINARY ACTION DECISION

|                                   |   |
|-----------------------------------|---|
| <b>Date of decision:</b>          | 11 December 2019  |
| <b>Decision-maker:</b>            | Matthew Tutt, Director Legal Services, Gail Thorsby, A/Chief Steward & Sarah James, Senior Legal Officer  |
| <b>Name of relevant person:</b>   | Miss Fiona Geary  |
| <b>Track:</b>                     | Lismore   |
| <b>Date:</b>                      | 30 April 2019   |
| <b>Rule no.:</b>                  | Rule 83(2)(a)   |
| <b>Charge(s):</b>                 | (1) Miss Geary presented the greyhound 'Magazine Madonna' (" <b>Greyhound</b> ") was presented for the purposes of competing in race 8 at the Lismore meeting on 30 April 2019 in circumstances where the Greyhound was not free of any prohibited substance. |
| <b>Prohibited substance(s):</b>   | Cobalt  |
| <b>Disciplinary action taken:</b> | 20-week suspension  |

#### REPORT:

Following receipt of a certificate of analysis from the Racing Analytical Services Laboratory, the Commission conducted an investigation into the results of a pre-race urine sample taken from the greyhound, 'Magazine Madonna' ("**Greyhound**") at the Lismore meeting on 30 April 2019.

Further analysis of the sample was conducted by the Racing Chemistry Laboratory, confirming the presence of cobalt at a mass concentration of 150ng/mL.

After considering the evidence, the Commission charged Miss Geary with a breach of Rule 83(2)(a) of the Commission's Greyhound Racing Rules ("**Rules**") given that the pre-race urine sample taken from the Greyhound confirmed the presence of prohibited substance, cobalt above the threshold imposed by Rule 83(10) of 100 nanograms per millilitre.

On 5 December 2019, the matter was further heard together by the Commission and finalised under section 58(1) of the Greyhound Racing Act 2017 (NSW) and Rule 92 of the Rules.

Miss Geary was legally represented at the hearing and excused from attending. A plea of guilty to the charge was entered on Miss Geary's behalf.

**DECISION:**

1. Miss Geary is a registered greyhound trainer and the trainer of the Greyhound. The Greyhound competed in race 8 at the Lismore meeting on 30 April 2019 (“**Event**”) and a pre-Event urine sample was taken from the Greyhound.
2. The pre-Event swab revealed the presence of cobalt at a mass concentration of 150ng/mL. Cobalt is a prohibited substance under Rule 1 of the Rules and category 4 prohibited substances under the NSW greyhound racing penalty guidelines.
3. The Commission charged Miss Geary 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;
    - (b) presented for a satisfactory, weight or whelping trial or such other trial as provided for pursuant to these Rules; or
    - (c) presented for any test or examination for the purpose of a period of incapacitation or prohibition being varied or revokedshall present the greyhound free of any prohibited substance.
4. Miss Geary admitted the charge.
5. After considering the evidence, including submissions in mitigation of penalty, the Commission found the charge proven and took the following disciplinary action against Miss Geary:

To suspend her trainer registration for a period of 20 weeks.
6. In taking this disciplinary action, the Commission considered all evidence, including:
  - Miss Geary has been a registered trainer for approximately 7 years;
  - Miss Geary has a history of a prohibited substance offence, involving cobalt which was dealt with by way of a 12 week suspension period on 29 March 2019;
  - NSW greyhound racing penalty guidelines and precedents;
  - Miss Geary’s admission of the charge;
  - The moderate level of the prohibited substance detected in the sample;
  - The submissions made on Miss Geary’s behalf in mitigation of penalty, including in relation to her good character, review and amendment of her animal husbandry practices, her contribution to the industry, remorse and financial circumstances.
7. In addition, the Greyhound was disqualified from race 8 at the Lismore meeting on 30 April pursuant to Rule 83(4).

.....End.....