



**GREYHOUND WELFARE & INTEGRITY COMMISSION**  
**DISCIPLINARY ACTION DECISION**

**Date of decision:** 10 March 2022

**Decision-makers:** Director Compliance, Policy & Legal, Matthew Tutt, Director Race Day Operations & Integrity, Wade Birch and Legal Officer, Annalese Summerson-Hingston.

**Name of relevant person:** Mr Rodney Newell

**Track:** Goulburn

**Date:** 1 October 2021

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

**Charge(s):** (1) Mr Newell presented the greyhound 'Kamikaze Cowgirl' ("**Greyhound**") for the purposes of competing in race 10 at the Goulburn meeting on 1 October 2021 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:** 4-month disqualification

**Charge**

Following receipt of a certificate of analysis from Racing Analytical Services Limited dated 25 November 2021, the Commission conducted an investigation into the results of a pre-race urine sample taken from the greyhound, 'Kamikaze Cowgirl' ("**Greyhound**") at the Goulburn meeting on 1 October 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.

**Evidence, plea and submissions**

On 11 February 2022 Mr Newell was issued with a notice of proposed disciplinary action ("**Notice**") and brief of evidence in relation to the charge, setting out the proposed disciplinary action to be taken and the grounds in support of that proposed disciplinary action.

On 4 March 2022 Mr Newell made written submissions via email.

The decision makers considered the evidence and Mr Newell's submissions on 10 March 2022. It was determined Mr Newell did not to enter a plea.

Decision makers had regard to Mr Newell's submission that two of the decision makers should recuse themselves from determining the matter. The decision makers considered the submission but were not satisfied there existed any proper basis for either of the two decision makers be recused from further dealing with the matter.

**DECISION:**

1. Mr Newell is a registered greyhound trainer and the trainer of the Greyhound. The Greyhound was drawn to compete in race 10 of the Goulburn meeting on 1 October 2021. Prior to the Event, a urine sample was taken from the Greyhound.
2. The pre-Event swab revealed the presence of caffeine and its metabolites theophylline, paraxanthine and theobromine. Caffeine and its metabolites are prohibited substances under Rule 1 of the Rules.
3. The decision makers charged Mr Newell 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.

4. The decision makers found the charge proven and took the following disciplinary action against Mr Newell

<b>Charge (Rule 83(2)(a), 1 October 2021):</b>	To disqualify Mr Newell for a period of 4 months pursuant to section 59(1)(d) of the Act.
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5. In taking this disciplinary action, the decision makers considered all evidence, including:

- Greyhound racing penalty precedents in NSW;
- The length of time Mr Newell has held a trainer registration since 2017, a period of approximately 6 years;
- Mr Newell's disciplinary history – importantly, three breaches of Rule 83(2)(a) in 2019 in which caffeine was detected in two of those samples, and cobalt in the other.
- Mr Newell's written submissions in relation to the matter, and his failure to enter a plea.

6. In addition, the Greyhound was disqualified from race 10 at the Goulburn meeting on 1 October 2021 pursuant to Rule 83(4) of the Rules.

.....End.....