

GREYHOUND WELFARE & INTEGRITY COMMISSION
DISCIPLINARY ACTION DECISION

Date of decision:	7 September 2021
Decision-makers:	Alice Stafford, A/Senior Legal Officer, David OShannessy, Chief Inspector & Dean Degan, Senior Steward
Name of relevant person:	Mrs Merle Clarke
Track:	Bathurst
Date:	22 March 2021
Rule no.:	Rule 83(2)(a)
Charge(s):	(1) A greyhound registered under Mrs Clarke's trainership 'Too Bias' (" Greyhound ") was presented for the purposes of competing in race 8 at the Bathurst meeting on 22 March 2021 in circumstances where the Greyhound was not free of any prohibited substance.
Prohibited substance(s):	Theobromine
Disciplinary action taken:	10-week suspension

REPORT:

Following receipt of a certificate of analysis from Racing Analytical Services Limited, the Commission conducted an investigation into the results of a post-race urine sample taken from the greyhound, 'Too Bias' ("**Greyhound**") at the Bathurst meeting on 22 March 2021.

Further analysis of the sample was conducted by the Australian Racing Forensic Laboratory confirming the presence of the prohibited substance theobromine.

After considering the evidence, the Commission charged Mrs Clarke with one (1) breach of Rule 83(2)(a) of the Rules.

DECISION:

1. Mrs Clarke is a registered greyhound trainer and the trainer of the Greyhound.
2. The Greyhound competed in race 8 at the Bathurst meeting on 22 March 2021 ("**Event**"). Following the Event, a urine sample was taken from the Greyhound. The post-Event swab revealed the presence of theobromine.

3. Theobromine is a prohibited substance under Rule 1 of the Rules.
4. The Commission charged Mrs Clarke with an 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;
 - (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.
5. Mrs Clarke plead guilty to the charge, provided written submissions, and elected to have the disciplinary proceedings conducted in writing.
6. The Commission found the charge proven.
7. The Commission took the following disciplinary action against Mrs Clarke:

To suspend her registration for a period of 10 weeks.
8. In taking this disciplinary action, the Commission considered all evidence, including:
 - Greyhound racing penalty precedents in NSW and other jurisdictions;
 - Mrs Clarke’s plea of guilty at the earliest opportunity;
 - Mrs Clarke has been a registered trainer since 1979, approximately 41 years – this was considered as an exceptional circumstance and significant factor in her favour;
 - Mrs Clarke’s recent disciplinary action for the same substance;
 - The evidence provided on behalf of Mrs Clarke in mitigation of penalty including in relation to her good character, her personal and financial circumstances, her review of her animal husbandry practices and her contributions to the industry.
9. In addition, the Greyhound was disqualified from the Event pursuant to Rule 83(4) of the Rules.

.....End.....