

## GREYHOUND WELFARE & INTEGRITY COMMISSION

### DISCIPLINARY ACTION DECISION

<b>Date of decision:</b>	23 July 2019
<b>Decision-maker:</b>	A/Director Legal Services, Sarah James
<b>Name of relevant person:</b>	Mr John Field
<b>Track:</b>	Cowra
<b>Date:</b>	6 April 2019
<b>Rule no.:</b>	Rule 83(2)(a)
<b>Charge(s):</b>	(1) Mr Field presented the greyhound 'Caesar Rev' (" <b>Greyhound</b> ") for the purposes of competing in race 7 at the Cowra meeting on 6 April 2019 in circumstances where the Greyhound was not free of any prohibited substance.
<b>Prohibited substance(s):</b>	Caffeine and its metabolites theophylline, paraxanthine and theobromine
<b>Disciplinary action taken:</b>	10 week suspension, with 6 weeks suspended for 12 months (conditionally)

#### 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, 'Caesar Rev' ("**Greyhound**") at the Cowra meeting on 6 April 2019.

Further analysis of the sample was conducted by the Australian Racing Forensic Laboratory, confirming the presence of caffeine, theophylline, paraxanthine and theobromine.

After considering the evidence, the Commission charged Mr Field with a breach of Rule 83(2)(a) of the Commission's Greyhound Racing Rules ("**Rules**") given that pre-race urine sample taken from the Greyhound confirmed the presence of prohibited substances caffeine, theophylline, paraxanthine and theobromine.

On Tuesday, 23 July 2019, this matter was heard before the Commission in the first instance under section 58(3) of the *Greyhound Racing Act 2017* (NSW) and Rule 92 of the Rules, at the election of the participant.

Mr Field represented himself at the hearing.

Mr Field pleaded not guilty to the charge.

## **DECISION:**

### **Charge**

1. Mr Field is a registered greyhound trainer and the trainer of the Greyhound. The Greyhound was presented for race 7 at the Cowra meeting on 6 April 2019 (“**Event**”) and a pre-Event urine sample was taken from the Greyhound.
2. The pre-Event swab revealed the presence of caffeine and its metabolites theophylline, paraxanthine and theobromine.
3. The Commission charged Mr Field 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. Mr Field pleaded not guilty to the charge and made submissions in relation to the charge, including the likely source of the positive result being a feeding regime which was subsequently amended.
5. The Commission found the charge proven and Mr Field formally guilty of the offence on the following basis:
  - The presentation of the Greyhound for the purposes of competing in the Event by Mr Field, the registered trainer of the Greyhound;
  - Mr Field’s submissions in relation to the likely source of the positive result, following a review of his feeding practices in place before the Event.

### **Penalty**

6. Caffeine and its metabolites theophylline, paraxanthine and theobromine are prohibited substances under Rule 1 of the Rules. Caffeine and its metabolites theophylline, paraxanthine and theobromine were detected in the pre-Event swab. Caffeine and its metabolites theophylline, paraxanthine and theobromine are category 4 prohibited substances under the NSW greyhound racing penalty guidelines.
7. Mr Field made submissions in relation to penalty, including in relation to registration and disciplinary history, his remorse, the review of his animal husbandry practices and his personal and financial circumstances.

8. The Commission, after hearing Mr Field's submissions in relation to penalty, took the following disciplinary action against Mr Field:

To suspend his trainer registration for a period of 10 weeks, with 6 weeks suspended for a period of 12 months on the condition that, within that 12 month period, Mr Field does not breach Rule 83(2)(a) of the GWIC Greyhound Racing Rules.

9. In taking this disciplinary action, the Commission considered all evidence, including:
- The length of Mr Field's registration history, having been a registered trainer for over 56 years. This was considered as an exceptional circumstance, so to divert from the precedents of like matters, and a significant factor considered in Mr Field's favour;
  - Mr Field has no history of any disciplinary matters, prohibited substance or otherwise;
  - Mr Field's submissions in mitigation of penalty.

10. In addition, the Greyhound was disqualified from race 7 at the Cowra meeting on 6 April 2019 pursuant to Rule 83(4), which reads:

(4) A greyhound presented for an Event pursuant to sub-rules (1) or (2) shall be disqualified from the Event or any benefit derived from a trial or test.

.....End.....