

GREYHOUND WELFARE & INTEGRITY COMMISSION
DISCIPLINARY ACTION DECISION

Date of decision: 3 July 2019
Decision-maker: Director Legal Services, Matthew Tutt
Name of relevant person: Mr Ronald Gittoes (Jnr)
Track: Dubbo
Date: 22 February 2019
Rule no.: Rule 83(2)(a)
Charge(s): (1) Mr Gittoes presented the greyhound 'Amy Schraff' ("Greyhound") for the purposes of competing in race 2 at the Dubbo meeting on 22 February 2019 in circumstances where the Greyhound was not free of any prohibited substance.
Prohibited substance(s): Cobalt
Disciplinary action taken: 12-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, 'Amy Schraff' ("Greyhound") at the Dubbo meeting on 22 February 2019.

Further analysis of the sample was conducted by the Racing Chemistry Laboratory, confirming the presence of cobalt at a mass concentration of 130 nanograms per millilitre.

After considering the evidence, the Commission charged Mr Gittoes 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 substance cobalt above the threshold imposed by Rule 83(10) of 100 nanograms per millilitre.

On Wednesday, 3 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 Gittoes represented himself at the hearing.

Mr Gittoes pleaded not guilty to the charge.

DECISION:

Charge

1. Mr Gittoes is a registered greyhound trainer and the trainer of the Greyhound. The Greyhound was presented for race 2 at the Dubbo meeting on 22 February 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 130 nanograms per millilitre.
3. The Commission charged Mr Gittoes 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 Gittoes plead not guilty to the charge and made submissions in relation to the charge, including the likely source of the positive result being a supplement and feeding regime of his greyhounds during the summer months to aid the hydration of his greyhounds.
5. The Commission found the charge proven and Mr Gittoes formally guilty of the offence on the following basis;
 - The presentation of the Greyhound for the purposes of competing in the Event by Mr Gittoes, the registered trainer of the Greyhound;
 - Mr Gittoes’ submissions in relation to the likely source of the contamination, following his review of his feeding practices and the conduct of research.

Penalty

6. Cobalt, at a mass concentration greater than 100 nanograms per millilitre is a prohibited substance under Rule 83(10) of the Rules. Cobalt was detected in the pre-Event swab at a mass concentration of 130 nanograms per millilitre. Cobalt is a category 4 prohibited substance under the NSW greyhound racing penalty guidelines.
7. Mr Gittoes 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 Gittoes’ submissions in relation to penalty, took the following disciplinary action against Mr Gittoes:

To suspend his trainer registration for a period of 12 weeks.

9. In taking this disciplinary action, the Commission considered all evidence, including:

- Mr Gittoes has been a registered trainer for over 8 years;
- Mr Gittoes has no history of any prohibited substance matters;
- NSW greyhound racing penalty guidelines and precedents;
- Mr Gittoes' submissions in mitigation of penalty.

10. In addition, the Greyhound was disqualified from race 2 at the Dubbo meeting on 22 February 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.....