

GREYHOUND WELFARE & INTEGRITY COMMISSION

DISCIPLINARY ACTION DECISION

Date of decision:	16 August 2019
Decision-maker:	Chief Executive Officer, Judith Lind
Name of relevant person:	Mrs Sonia Kempshall
Track:	Grafton
Date:	28 January 2019
Rule no.:	Rule 83(2)(a)
Charge(s):	(1) The greyhound 'Floki Jappa' (" Greyhound ") was presented for the purposes of competing in race 9 at the Grafton meeting on 28 January 2019 in circumstances where the Greyhound was not free of any prohibited substance.
Prohibited substance(s):	Arsenic
Disciplinary action taken:	10-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, 'Floki Jappa' ("**Greyhound**") at the Grafton meeting on 28 January 2019.

Further analysis of the sample was conducted by the Queensland Racing Integrity Commission Racing Science Centre, confirming the presence of arsenic at a mass concentration of 1253 nanograms per millilitre.

After considering the evidence, the Commission charged Mrs Kempshall 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 arsenic above the threshold imposed by Rule 83(11) of 800 nanograms per millilitre.

Mrs Kempshall denied the charge.

The disciplinary action was conducted in writing in accordance with the participant's election.

DECISION:

1. Mrs Kempshall is a registered greyhound trainer and the trainer of the Greyhound. The Greyhound was presented for race 9 at the Grafton meeting on 28 January 2019 (“Event”) and a pre-Event urine sample was taken from the Greyhound.
2. The pre-Event swab revealed the presence of arsenic at a mass concentration of 1253 nanograms per millilitre. Arsenic, at a mass concentration greater than 800 nanograms per millilitre is a prohibited substance under Rule 83(11) of the Rules. Arsenic is a category 5 prohibited substance under the NSW greyhound racing penalty guidelines.
3. The Commission charged Mrs Kempshall 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. Mrs Kempshall denied the charge, provided written submissions and elected to have the disciplinary proceeding conducted in writing.
5. The Commission found the charge proven and Mrs Kempshall formally guilty of the offence on the following basis:
 - The presentation of the Greyhound, trained by Mrs Kempshall, for the purposes of competing in the Event;
 - The Certificates of Analysis confirming the detection of arsenic exceeding the threshold set by Rule 83(11) of the Rules.
6. The Commission took the following disciplinary action against Mrs Kempshall:

To suspend her trainer registration for a period of 10 weeks.
7. In taking this disciplinary action, the Commission considered all evidence, including:
 - Mrs Kempshall has been a registered trainer for approximately 9 years;
 - Mrs Kempshall’s disciplinary history includes 4 prohibited substance offences in the preceding 2 year period;
 - NSW greyhound racing penalty guidelines and precedents;
 - Mrs Kempshall’s written submissions in mitigation of penalty.
8. In addition, the Greyhound was disqualified from race 9 at the Grafton meeting on 28 January 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.....