

## GREYHOUND WELFARE & INTEGRITY COMMISSION

### DISCIPLINARY ACTION DECISION

<b>Date of decision:</b>	2 October 2019
<b>Decision-maker:</b>	Chief Executive Officer, Judith Lind
<b>Name of relevant person:</b>	Mr Terry Duncan
<b>Track:</b>	Casino
<b>Date:</b>	24 May 2019
<b>Rule no.:</b>	Rule 83(2)(a)
<b>Charge(s):</b>	(1) Mr Duncan presented the greyhound 'Red Coat' ("Greyhound") for the purposes of competing in race 9 at the Casino meeting on 24 May 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>	16-week suspension; deferred commencement to 5 October 2019 under Rule 95(5)

#### REPORT:

Following receipt of a certificate of analysis from the Racing Analytical Services Laboratory, the Commission conducted an investigation into the results of a post-race urine sample taken from the greyhound, 'Red Coat' ("Greyhound") at the Casino meeting on 24 May 2019.

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.

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

Mr Duncan denied the charge.

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

## DECISION:

1. Mr Duncan is a registered greyhound trainer and the trainer of the Greyhound. The Greyhound was presented for race 9 at the Casino meeting on 24 May 2019 (“Event”). Following the Event, as the Greyhound placed first, a urine sample was taken from the Greyhound.
2. The post-Event swab revealed the presence of caffeine and its metabolites theophylline, paraxanthine and theobromine. Caffeine and its metabolites theophylline, paraxanthine and theobromine are prohibited substances under Rule 1 of the Commission’s Greyhound Racing Rules and category 4 prohibited substances under the NSW greyhound racing penalty guidelines.
3. The Commission charged Mr Duncan 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 Duncan denied the charge, provided written submissions and elected to have the disciplinary proceeding conducted in writing.
5. The Commission found the charge proven and Mr Duncan formally guilty of the offence on the following basis:
  - The presentation of the Greyhound, trained by Mr Duncan, for the purposes of competing in the Event;
  - The Certificates of Analysis confirming the detection of caffeine and its metabolites theophylline, paraxanthine and theobromine, prohibited substances under Rule 1 of the Rules.
6. The Commission took the following disciplinary action against Mr Duncan:

To suspend his trainer registration for a period of 16 weeks.
7. In taking this disciplinary action, the Commission considered all evidence, including:
  - Mr Duncan has been a registered trainer for approximately 7 years;
  - Mr Duncan has no history of any prohibited substance matters;
  - NSW greyhound racing penalty guidelines and precedents;
  - Mr Duncan’s denial of the charge;
  - Mr Duncan’s written submissions in mitigation of penalty, including in relation to his animal husbandry practices and swabbing history.

8. In addition, the Greyhound was disqualified from race 9 at the Casino meeting on 24 May 2019 pursuant to Rule 83(4).

.....End.....