



GREYHOUND WELFARE & INTEGRITY COMMISSION
DISCIPLINARY ACTION DECISION

Date of decision: 28 November 2019; 4 May 2020
Decision-maker: Chief Executive Officer, Judith Lind
Name of relevant person: Mr Barry West
Track: Taree
Date: 24 August 2019
Rule no.: Rule 83(2)(a)
Charge(s): (1) Mr West presented the greyhound 'Senorita Kerry' ("Greyhound") for the purposes of competing in race 8 at the Taree meeting on 24 August 2019 in circumstances where the Greyhound was not free of any prohibited substance.
Prohibited substance(s): Tolfenamic acid
Disciplinary action taken: Fine: \$525 wholly 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, 'Senorita Kerry' ("Greyhound") at the Taree meeting on 24 August 2019.

Further analysis of the sample was conducted by the Australian Racing Forensic Laboratory, confirming the presence of tolfenamic acid.

After considering the evidence, the Commission charged Mr West 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 tolfenamic acid.

Mr West admitted the charge at the earliest opportunity.

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

DECISION:

1. Mr West is a registered greyhound trainer and the trainer of the Greyhound. The Greyhound competed in race 8 at the Taree meeting on 24 August 2019 (“Event”) and a pre-Event urine sample was taken from the Greyhound.
2. The pre-Event swab revealed the presence of tolfenamic acid. Tolfenamic acid is a prohibited substance under Rule 1 of the Rules and category 5 prohibited substances under the NSW greyhound racing penalty guidelines.
3. The Commission charged Mr West 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 West admitted the charge at the earliest opportunity, provided submissions and elected to have the disciplinary proceeding conducted in writing.
5. The Commission found the charge proven and took the following disciplinary action against Mr West:

To impose of a fine in the sum of \$525.00, with \$325.00 suspended for a period of 12 months on the condition that he does not breach Rule 83(2)(a) of the Rules during that period.
6. In taking this disciplinary action, the Commission considered all evidence, including:
 - Mr West has been a registered participant in the industry for a period of approximately 44 years;
 - Mr West’s admission of the charge at the earliest opportunity.
 - Mr West has no history of any prohibited substance matters;
 - NSW greyhound racing penalty guidelines and precedents;
 - Mr West’s submissions in mitigation of penalty, including in relation to veterinary advice provided as to the possible source of the positive and his personal and financial circumstances.
7. In addition, the Greyhound was disqualified from race 8 at the Taree meeting on 24 August 2019 pursuant to Rule 83(4).

8. After notification of the disciplinary action decision, Mr West sought an informal review of the decision, requesting the Commission to take into account recent changes to his personal circumstances, including his health and financial circumstances.
9. After consideration of all evidence in the matter, including the further submissions made by Mr West, the Commission was satisfied, having sustained the finding that Mr West had breached Rule 83(2)(a), that there were grounds to amend the penalty previously issued and instead took the following disciplinary action against Mr West:

To impose of a fine in the sum of \$525.00 wholly suspended for a period of 12 months commencing on 4 May 2020 on the condition that he does not breach Rule 83(2)(a) of the Rules during that period.

10. In addition, the Greyhound was disqualified from race 8 at the Taree meeting on 24 August 2019 pursuant to Rule 83(4).

.....End.....

*Amended 4 May 2020.