

GREYHOUND WELFARE & INTEGRITY COMMISSION

DISCIPLINARY ACTION DECISION

Date of decision: 21 February 2020
Decision-maker: Chief Executive Officer, Judith Lind
Name of relevant person: Mr Joseph Baldacchino
Track: Nowra
Date: 4 November 2019
Rule no.: Rule 83(2)(a)
Charge(s): (1) Mr Baldacchino presented the greyhound 'Mascot Miss' ("Greyhound") for the purposes of competing in race 3 at the Nowra meeting on 4 November 2019 in circumstances where the Greyhound was not free of any prohibited substance.
Prohibited substance(s): Phenobarbitone
Disciplinary action taken: 4-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 post-race urine sample taken from the greyhound, 'Mascot Miss' ("Greyhound") at the Nowra meeting on 4 November 2019.

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

After considering the evidence, the Commission charged Mr Baldacchino 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 substance, phenobarbitone.

Mr Baldacchino admitted the charge at the earliest opportunity.

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

DECISION:

1. Mr Baldacchino is a registered greyhound trainer and the trainer of the Greyhound. The Greyhound competed in race 3 at the Nowra meeting on 4 November 2019 ("**Event**") and a post-Event urine sample was taken from the Greyhound.

2. The post-Event swab revealed the presence of phenobarbitone. Phenobarbitone is a prohibited substance under Rule 1 of the Rules.

3. The Commission charged Mr Baldacchino 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 revoked

shall present the greyhound free of any prohibited substance.

4. Mr Baldacchino admitted the charge at the earliest opportunity, provided written 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 Baldacchino:

To suspend his trainer registration for a period of 4 weeks.

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

- Mr Baldacchino has been a registered trainer for approximately 26 years;
- Mr Baldacchino has no prior prohibited substance matters;
- That the substance is not a permanently banned substance;
- That the level detected in the sample taken was an approximate reading of 2000 ng/mL. This reading is a moderate level warranting a further reduction in penalty;
- The loss of prizemoney for the Greyhound's 'Maiden' race;
- Mr Baldacchino's admission at the earliest opportunity;
- Mr Baldacchino's general contribution to the greyhound racing industry, in particular his efforts to rehome retired greyhounds;
- Mr Baldacchino's written submissions in mitigation of penalty, including reasonable explanation for the positive result and in relation to his personal circumstances; and
- NSW greyhound racing penalty guidelines and precedents;

7. In addition, the Greyhound was disqualified from race 3 at the Nowra meeting on 4 November 2019 pursuant to Rule 83(4).

.....End.....