

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 Charlie Micallef
Track: Nowra
Date: 7 October 2019
Rule no.: Rule 83(2)(a)
Charge(s): (1) Mr Micallef presented the greyhound 'Time Flies By' ("Greyhound") for the purposes of competing in race 3 at the Nowra meeting on 7 October 2019 in circumstances where the Greyhound was not free of any prohibited substance.
Prohibited substance(s): Diclofenac
Disciplinary action taken: 10-week suspension; deferred commencement to 25 February 2020 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, 'Time Flies By' ("Greyhound") at the Nowra meeting on 7 October 2019.

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

After considering the evidence, the Commission charged Mr Micallef 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, diclofenac.

Mr Micallef admitted the charge at the earliest opportunity.

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

DECISION:

1. Mr Micallef is a registered greyhound trainer and the trainer of the Greyhound. The Greyhound competed in race 3 at the Nowra meeting on 7 October 2019 ("**Event**") and a post-Event urine sample was taken from the Greyhound.

2. The post-Event swab revealed the presence of diclofenac. Diclofenac is a prohibited substance under Rule 1 of the Rules.
3. The Commission charged Mr Micallef 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 Micallef 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 Micallef:

To suspend his trainer registration for a period of 10 weeks.
6. In taking this disciplinary action, the Commission considered all evidence, including:
 - Mr Micallef has been a registered trainer for approximately 16 years;
 - Mr Micallef has recent history of a prior prohibited substance matter, dealt with by way of suspension on 8 December 2018;
 - NSW greyhound racing penalty guidelines and precedents;
 - Mr Micallef's admission at the earliest opportunity;
 - Mr Micallef's written submissions in mitigation of penalty, including reasonable explanation for the contamination and personal circumstances.
7. In addition, the Greyhound was disqualified from race 3 at the Nowra meeting on 7 October 2019 pursuant to Rule 83(4).

.....End.....