

GREYHOUND WELFARE & INTEGRITY COMMISSION
DISCIPLINARY ACTION DECISION

Date of decision:	30 April 2020
Decision-maker:	Director Legal Services, Matthew Tutt
Name of relevant person:	Mr Phillip Bailey
Track:	Bulli
Date:	22 June 2019
Rule no.:	Rule 83(2)(a), Rule 84(2) x 3
Charge(s):	(1) Mr Bailey presented the greyhound 'Gloria Grace' ("Greyhound") for the purposes of competing in race 5 at the Bulli meeting on 22 June 2019 in circumstances where the Greyhound was not free of any prohibited substance; (2) Mr Bailey had in his possession at his registered kennels on 30 July 2019 a prohibited substance, namely "Promote"; (3) Mr Bailey had in his possession at his registered kennels on 30 July 2019 a prohibited substance, namely "Streets"; (2) Mr Bailey had in his possession at his registered kennels on 30 July 2019 a prohibited substance, namely "Fluвет"
Prohibited substance(s):	Atenolol; Promote; Streets; Fluvet
Disciplinary action taken:	Charge 1: 6 weeks suspension with 3 weeks suspended (conditionally) Charge 2: Formal warning / reprimand Charge 3: Formal warning / reprimand Charge 4: Formal warning / reprimand

REPORT:

Charge 1:

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, 'Gloria Grace' ("Greyhound") at the Bulli meeting on 22 June 2019.

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

After considering the evidence, the Commission charged Mr Bailey 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 the prohibited substance atenolol.

Mr Bailey admitted the charge at the earliest opportunity.

Charges 2-4:

During an inspection of the kennels registered to Mr Bailey, three separate prohibited substances were found and seized by Inspectors.

After considering the evidence, the Commission charged Mr Bailey with three breaches of Rule 84(2) of the Rules for each substance found.

Mr Bailey admitted these charges at the earliest opportunity.

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

DECISION:

1. Mr Bailey is a registered greyhound trainer and the trainer of the Greyhound. The Greyhound competed in race 5 at the Bulli meeting on 22 June 2019 ("**Event**") and a pre-Event urine sample was taken from the Greyhound.
2. The pre-Event swab revealed the presence of atenolol. Atenolol is a prohibited substance under Rule 1 of the Rules.
3. The Commission charged Mr Bailey 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. On 30 July 2019, Commission Inspectors attended the registered kennel address of Mr Bailey to conduct an inspection.
5. During that inspection, the Inspectors discovered and had surrendered to them two 20mL bottles of Promote, two 20mL bottles of Streets and one 100mL bottle of Fluvet.

6. Promote, Streets and Fluvet are not registered with the Australian Pesticides and Veterinary Medicines Authority and it is an offence to possess these substances under Rule 84(2) of the Rules. The active ingredient of Fluvet is flumethasone, a Schedule 4 Prescription Animal Remedy and there was no evidence that this substance had been prescribed by a registered practitioner, or had any labelling of any such prescription on the packaging.
7. The Commission charged Mr Bailey under Rule 83(2)(a) and Rule x 3 which read:

Rule 83(2)(a)

(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.

Rule 84

(1) For the purpose of this Rule “possession” means any form of personal physical possession, or the on site control / storage, of a prohibited substance.

(2) A registered person who has in their possession at any place used in relation to the training or racing of a greyhound, any quantity of a prohibited substance commits an offence unless that substance has been registered or labelled, or prescribed, dispensed or obtained, in compliance with the relevant State or Commonwealth legislation. The Stewards may take possession of any of these substances or preparations to test and or destroy.

8. Mr Bailey admitted all four charges, provided written submissions and elected to have the disciplinary proceeding conducted in writing.
9. The Commission found all four charges proven and took the following disciplinary action against Mr Bailey:

Charge 1 (Rule 83(2)(a)): To suspend his trainer registration for a period of 6 weeks, with 3 weeks wholly suspended on the condition that he does not breach Rule 83(2) of the Rules within that period;

Charge 2 (Rule 84(2)): To issue a formal warning / reprimand;

Charge 3 (Rule 84(2)): To issue a formal warning / reprimand;

Charge 4 (Rule 84(2)): To issue a formal warning / reprimand.

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

- The length of Mr Bailey’s registration history, having been a registered trainer for 53 years. This was considered as an exceptional circumstance, so to divert from the precedents of like matters, and a significant factor considered in Mr Bailey’s favour;
- Mr Bailey has no history of any prohibited substance matters;
- The indicative level of the prohibited substance detected was considered low;
- NSW greyhound racing penalty guidelines and precedents;
- Mr Bailey’s submissions in mitigation of any penalty, including a reasonable explanation for the positive result and in relation to his personal circumstances.

11. In addition, the Greyhound was disqualified from race 5 at the Bulli meeting on 22 June 2019 pursuant to Rule 83(4) of the Rules.

.....End.....