



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 Byron Phillips
Track: Gunnedah
Date: 12 January 2020
Rule no.: Rule 83(2)(a)
Charge(s): (1) Mr Phillips presented the greyhound 'Banoffee Dream' ("Greyhound") for the purposes of competing in race 10 at Gunnedah on 12 January 2020 in circumstances where the Greyhound was not free of any prohibited substance.
Prohibited substance(s): Cobalt
Disciplinary action taken: 12-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 pre-race urine sample taken from the greyhound, 'Banoffee Dream' ("Greyhound") at the Gunnedah meeting on 12 January 2020.

Further analysis of the sample was conducted by the Racing Chemistry Laboratory, confirming the presence of cobalt at a mass concentration level above the threshold amount of 100 nanograms per millilitre (ng/mL).

After considering the evidence, the Commission charged Mr Phillips 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 cobalt above the threshold imposed by Rule 83(10) of 100 ng/mL.

Mr Phillips admitted the charge at the earliest opportunity.

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

DECISION:

1. Mr Phillips is a registered greyhound trainer and the trainer of the Greyhound. The Greyhound competed in race 10 at the Gunnedah meeting on 12 January 2020 (“Event”) and a pre-Event urine sample was taken from the Greyhound.
2. The pre-Event swab revealed the presence of cobalt at a mass concentration level of 130 nanograms per millilitre. Cobalt above the specified threshold of 100 nanograms per millilitre is a prohibited substance under Rule 83(10) of the Rules.
3. The Commission charged Mr Phillips 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 Phillips admitted the charge, 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 Phillips:

To suspend his trainer registration for a period of 12 weeks.
6. In taking this disciplinary action, the Commission considered all evidence, including:
 - Mr Phillips has been a registered trainer for approximately 15 years;
 - Mr Phillips has no history of any disciplinary matters including relating to prohibited substances;
 - Mr Phillips’ admission of the charge at the earliest opportunity;
 - NSW greyhound racing penalty guidelines and precedents;
 - That the level of the prohibited substance detected in the sample was not significantly in excess of the threshold imposed by Rule 83(10) of 100 ng/mL;
 - Mr Phillips’ submissions in mitigation of any penalty, including in relation to his personal circumstances, his remorse, his good character, a reasonable explanation regarding the source of the positive swab and confirmation he has reviewed and amended his animal husbandry practices.

7. In addition, the Greyhound was disqualified from race 10 at the Gunnedah meeting on 12 January 2020 pursuant to Rule 83(4) of the Rules.

.....End.....