

## GREYHOUND WELFARE & INTEGRITY COMMISSION

### DISCIPLINARY ACTION DECISION

**Date of decision:** 5 May 2020

**Decision-maker:** Chief Executive Officer, Judith Lind

**Name of relevant person:** Mr Ian Smyth

**Track:** The Gardens

**Date:** 29 November 2019

**Rule no.:** Rule 83(2)(a)

**Charge(s):** (1) Mr Smyth presented the greyhound 'Go Ninety Seven' ("**Greyhound**") for the purposes of competing in race 3 at the Gardens meeting on 29 November 2019 in circumstances where the Greyhound was not free of any prohibited substance;

(2) Mr Smyth caused or allowed greyhounds under his ownership and/or trainership to be kept at an address other than the address registered with the Controlling Body in circumstances where he did not obtain the permission of the Controlling Body.

**Permanently banned prohibited substance(s):** Amphetamine, hydroxy amphetamine, methamphetamine and hydroxy amphetamine

**Disciplinary action taken:**

**Charge 1 (R83(2)(a)):** 17 months disqualification [with 2 months and 2 weeks and 1 day suspended due to period of interim suspension served]

**Charge 2 (LR105(1)):** Formal warning/ reprimand

**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, 'Go Ninety Seven' ("**Greyhound**") at The Gardens meeting on 29 November 2019.

Further analysis of the sample was conducted by the Australian Racing Forensic Laboratory, confirming the presence of amphetamine, hydroxy amphetamine, methamphetamine and hydroxy methamphetamine.

After considering the evidence, the Commission charged Mr Smyth 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 permanently banned prohibited substances amphetamine, hydroxy amphetamine, methamphetamine and hydroxy methamphetamine.

During the Commission's investigation, Mr Smyth advised that he had relocated the greyhounds that he owned and/or trained to an address other than the kennel address registered under his trainer registration.

The Commission further charged Mr Smyth with breaches of Local Rule 99A(1) and Local Rule 105(1) of the Rules respectively.

Mr Smyth admitted the charges.

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

#### **DECISION:**

1. Mr Smyth is a registered greyhound trainer and the trainer of the Greyhound. The Greyhound competed in race 3 at The Gardens meeting on 29 November 2019 ("**Event**") and a pre-Event urine sample was taken from the Greyhound.
2. The pre-Event swab revealed the presence of amphetamine, hydroxy amphetamine, methamphetamine and hydroxy methamphetamine. Amphetamine, hydroxy amphetamine, methamphetamine and hydroxy methamphetamine are permanently banned prohibited substances under Rule 79A(2)(v) and (vi) of the Rules.
3. The Commission charged Mr Smyth 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. During the Commission's investigation, Mr Smyth advised that he had relocated the greyhounds that he owned and/or trained to an address other than the kennel address

registered under his trainer registration. Mr Smyth had not sought permission from the Commission to have the any greyhounds at the alternative address.

5. The Commission charged Mr Smyth under Local Rule 105(1), which reads:

Except in circumstances described in sub-rule (6) a greyhound shall at all times be kept at the registered address of its trainer or owner unless permission to do otherwise is first obtained from the Controlling Body.

6. Mr Smyth admitted the charges, provided written submissions and elected to have the disciplinary proceeding conducted in writing.

7. The Commission found the charge proven and took the following disciplinary action against Mr Smyth:

Charge 1 (Rule 83(2)(a)): To disqualify his trainer registration for a period of 17 months, with 2 months and 2 weeks and 1 day suspended due to the period of time spent on interim suspension;

Charge 2 (Local Rule 105(1)): To issue a formal warning/ reprimand.

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

- Mr Smyth has been a registered trainer for approximately 4.5 years;
- Mr Smyth's admission of the charges at the earliest opportunity;
- Mr Smyth has no history of any prohibited substance matters;
- The low to moderate level of the prohibited substance detected;
- The period Mr Smyth has served under an interim suspension: being 19 February 2020 to 4 May 2020;
- NSW greyhound racing penalty guidelines and precedents;
- Mr Smyth's submissions in mitigation of any penalty, including in relation to his personal circumstances and the change to the housing arrangements for his greyhounds.

9. In addition, the Greyhound was disqualified from race 3 at The Gardens meeting on 29 November 2019 pursuant to Rule 83(4) of the Rules.

.....End.....