



GREYHOUND WELFARE & INTEGRITY COMMISSION
DISCIPLINARY ACTION DECISION

Date of decision: 23 June 2020

Decision-maker: Chief Executive Officer, Judith Lind

Name of relevant person: Mr Leon Cunningham

Track: Grafton

Date: 3 February 2020

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

Charge(s): (1) Mr Cunningham presented the greyhound 'Supreme Flash' ("**Greyhound**") for the purposes of competing in race 2 at the Grafton meeting on 3 February 2020 in circumstances where the Greyhound was not free of any prohibited substance.

Prohibited substance(s): Caffeine and its metabolites theophylline, paraxanthine and theobromine

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, 'Supreme Flash' ("**Greyhound**") at the Grafton meeting on 3 February 2020.

Further analysis of the sample was conducted by the Australian Racing Forensic Laboratory, confirming the presence of caffeine and its metabolites theophylline, paraxanthine and theobromine.

After considering the evidence, the Commission charged Mr Cunningham 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 substances caffeine and its metabolites theophylline, paraxanthine and theobromine.

Mr Cunningham admitted the charge at the earliest opportunity.

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

DECISION:

1. Mr Cunningham is a registered greyhound trainer and the trainer of the Greyhound. The Greyhound competed in race 2 at the Grafton meeting on 3 February 2020 (“**Event**”) and a pre-Event urine sample was taken from the Greyhound.
2. The pre-Event swab revealed the presence of caffeine and its metabolites theophylline, paraxanthine and theobromine. Caffeine and its metabolites theophylline, paraxanthine and theobromine are prohibited substances under Rule 1 of the Rules.
3. The Commission charged Mr Cunningham 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 Cunningham 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 Cunningham:

To suspend his trainer registration for a period of 12 weeks.
6. In taking this disciplinary action, the Commission considered all evidence, including:
 - Mr Cunningham has been a registered trainer for approximately 4 years;
 - Mr Cunningham has had no prior disciplinary matters;
 - Mr Cunningham’s admission of the charge at the earliest opportunity;
 - The indicative level of the prohibited substances detected were considered low;
 - NSW greyhound racing penalty precedents;
 - Mr Cunningham’s submissions in mitigation of penalty, including in relation to his personal circumstances, his review of his animal husbandry practices and a reasonable explanation as to how the positive result of the Greyhound may have occurred.
7. In addition, the Greyhound was disqualified from race 2 at the Grafton meeting on 3 February 2020 pursuant to Rule 83(4) of the Rules.

.....End.....