

GREYHOUND WELFARE & INTEGRITY COMMISSION

DISCIPLINARY ACTION DECISION

Date of decision:	20 August 2020
Decision-maker:	Chief Executive Officer, Judith Lind
Name of relevant person:	Mr Timothy Caines
Track:	N/A – Non meeting
Date:	5 December 2019
Rule no.:	Rule 79A(7) x 4, Rule 84(2) x 3
Charge(s):	(1) Mr Caines had in his possession at his registered kennels on 5 December 2019 a syringe with dry residue, which following testing was found to contain a permanently banned prohibited substance, namely recombinant human erythropoietin; (2)-(4) Mr Caines had in his possession at his registered kennels on 5 December 2019 permanently banned prohibited substances, namely “Fertagyl”, “Drive” and “Testoprop”; (5)-(7) Mr Caines had in his possession at his registered kennels on 5 December 2019 prohibited substances, namely “Cartrophen”, “Betamox” and “Kenacort”
Disciplinary action taken:	Charge 1: 15 months disqualification Charges 2-4: 6 months disqualifications Charges 5-7: \$300 fines (wholly and conditionally suspended)

REPORT:

During an inspection of Mr Caines’ premises, Commission Inspectors located a number of substances and items and these were surrendered to the Inspectors. Testing was conducted by Racing Analytical Services Ltd (“**Laboratory**”).

After considering the evidence the Commission charged Mr Caines with four breaches of Rules 79A(7) and three breaches of Rule 84(2) of the GWIC Greyhound Racing Rules (“**Rules**”) in relation to the items found.

Mr Caines was legally represented and admitted the charges at the earliest opportunity.

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

DECISION:

1. Mr Caines is, and was at the material time being on 5 December 2019, a registered greyhound trainer and breeder.
2. On 5 December 2019, Commission Inspectors, the Commission's Chief Veterinary Officer and a NSW Police Officer attended the registered kennel address of Mr Caines to conduct execute a search warrant of Mr Caines' property, including premises and kennels. The search warrant was obtained by the Commission under section 76 of the *Greyhound Racing Act 2017* (NSW).
3. During that inspection, urine, hair and blood samples were taken from a number of greyhounds under Mr Caines' trainership. The samples were later tested by the Laboratory and returned clear samples.
4. During the inspection, the Inspectors discovered and had surrendered to them:
 - A syringe labelled "BD U-100 Insulin";
 - 2 x empty 5mL bottles of 'Fertagyl';
 - 2 x unused 5mL bottles of 'Fertagyl';
 - 2 x used 10mL bottles of 'Drive';
 - 4 x used 10mL bottles of 'Testoprop';
 - 1 x 10mL bottle of 'Cartrophen';
 - 1 x 10mL used bottle of 'Betamox';
 - 2 x 1mL ampules of 'Kenacort A 10'.
5. Of the items, only two of the substances were not expired.
6. Testing by the Laboratory of the syringe revealed the presence of recombinant human erythropoietin ("rhEPO"), with the Laboratory noting the syringe contained dry residue only with no liquid.
7. RhEPO, Fertagyl, Drive and Testoprop are permanently banned prohibited substances under Rule 79A(2) of the Rules and it is an offence to possess these substances under Rule 79A(7) of the Rules.
8. Cartrophen and Betamox are Schedule 4 Prescription Animal Remedies and Kenacort is a Schedule 4 Prescription Only Medicine. Each were found without prescription labelling affixed to the substances and it is an offence to possess these substances under Rule 84(2) of the Rules.
9. The Commission charged Mr Caines under Rule 79A(7) for the possession of the permanently banned prohibited substances and under Rule 84(2) for the possession of the prohibited substances, which read:

Rule 79A(7)

...

- (7) If any substance or preparation that could give rise to an offence under this rule if administered to a greyhound at any time is found at any time at any premises used in relation to the training or racing of greyhounds then any registered person who owns, trains or races or is in charge of greyhounds at those premises is deemed to have the substance or preparation in their possession and such person shall be guilty of an offence and liable to penalty.

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.

10. Mr Caines admitted the charges and elected to have the disciplinary proceeding conducted in writing.

11. The Commission found the charges proven and took the following disciplinary action against Mr Caines:

Charge 1 (Rule 79A(7)): To disqualify Mr Caines for 15 months;

Charges 2-4 (Rule 79A(7)): To disqualify Mr Caines for 6 months;

Charges 5-7 (Rule 84(2)): To issue Mr Caines with a \$300 fine wholly suspended for 12 months on the condition he does not breach Rule 84(2) (or any like rule) of the Rules during the next 12 months,

with:

- The periods of disqualification to be served concurrently;
- The periods of disqualification to commence on 20 August 2020;
- 5 months, 3 weeks and 4 days served under interim suspensions taken into account as time served, causing the periods of disqualification to expire on 24 May 2021.

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

- Mr Caines has been a registered trainer within the greyhound industry for approximately 11 years;

- Mr Caines admission of the charges at the earliest opportunity;
- Mr Caines has no history of like matters;
- The period served under interim suspensions, totalling 5 months, 3 weeks and 4 days;
- The objective seriousness of charges, in particularly charges 1 to 4, relating to permanently banned prohibited substances which should not be possessed at any time or in any form;
- The submissions made on Mr Caines' behalf in mitigation of penalty, including in relation to nature of the substances found, Mr Caines' contributions to the greyhound racing industry generally, his good character, remorse and apologies;
- NSW greyhound racing precedents.

.....End.....