



GREYHOUND WELFARE & INTEGRITY COMMISSION
DISCIPLINARY ACTION DECISION

Date of decision: 21 August 2020

Decision-maker: Chief Executive Officer, Judith Lind

Name of relevant person: Mrs Lindsay Davis

Track: The Gardens

Date: 26 July 2019; 31 August 2019

Rule no.: Rule 83(2)(a); Rule 79A(4)(i)

Charge(s): (1) Mrs Davis presented the greyhound 'Key Can Do' ("Greyhound") for the purposes of competing in race 1 at The Gardens meeting on 26 July 2019 in circumstances where the Greyhound was not free of any prohibited substance;

(2) Mrs Davis presented the Greyhound for the purposes of undertaking an Out of Competition swab on 31 August 2019 where the Greyhound was not free of any permanently banned prohibited substance.

Permanently banned prohibited substance: Dehydronorketamine

Disciplinary action taken:

Charge 1: 26-week suspension (wholly and conditionally suspended for 12-months)

Charge 2: No further action taken

REPORT:

Following receipt of a certificate of analysis from Racing Analytical Services Limited, the Commission conducted an investigation into the results of a post-race urine sample ("**first sample**") taken from the greyhound, 'Key Can Do' ("**Greyhound**") at The Gardens meeting on 26 July 2019.

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

On 31 August 2019, the Greyhound was presented for an Out of Competition clearance swab pursuant to Rule 79A(3)(b) of Commission's Greyhound Racing Rules ("**Rules**") ("**second**

sample”). Further analysis of the second sample was conducted by the Australian Racing Forensic Laboratory, also confirming the presence of dehydronorketamine.

After considering the evidence, the Commission charged Mrs Davis with a breach of Rule 83(2)(a) of the Rules given that the post-race urine sample taken from the Greyhound confirmed the presence of the permanently banned prohibited substance dehydronorketamine. The Commission also charged Mrs Davis with a breach of Rule 79A(4)(i) of the Rules given that the second sample taken from the Greyhound also confirmed the presence of the permanently banned prohibited substance dehydronorketamine.

Mrs Davis admitted both charges at the earliest opportunity.

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

DECISION:

1. Mrs Davis is a registered greyhound trainer and the trainer of the Greyhound. The Greyhound competed in race 1 at The Gardens meeting on 26 July 2019 (“**Event**”). Following the Event, a urine sample was taken from the Greyhound.
2. The post-Event swab revealed the presence of dehydronorketamine. Dehydronorketamine is a permanently banned prohibited substance under Rule 79A(2)(v) of the Rules.
3. On 31 August 2019, Mrs Davis presented the Greyhound for an Out of Competition clearance swab. This secondary swab also revealed the presence of dehydronorketamine.
4. The Commission charged Mrs Davis under Rule 83(2)(a) for the first sample, 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.
5. The Commission also charged Mrs Davis under Rule 79A(4)(i) for the second sample, which reads:
 - (4) When a sample taken from a greyhound being trained by a licensed trainer or in the care of a registered person has been found to contain a Permanently Banned Prohibited Substance specified in sub-rule (2),

(i) the trainer and any other person who was in charge of such greyhound at the relevant time shall be guilty of an offence.

6. Mrs Davis admitted charges, provided written submissions and other material in support of her response and elected to have the disciplinary proceeding conducted in writing.

7. The Commission found the charge proven and took the following disciplinary action against Mrs Davis:

Charge 1: To suspend her trainer registration for a period of 26 weeks, wholly suspended for a period of 12-months on the condition that Mrs Davis does not breach Rule 83(2)(a) during that 12-month period;

Charge 2: No further penalty having regard to the penalty imposed for charge 1.

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

- Mrs Davis has held a greyhound licence for approximately 7 years;
- Mrs Davis has no like matters in her disciplinary history;
- The prizemoney which will be affected by the taking of this disciplinary action;
- Expert evidence in relation to the likely source of the prohibited substance stemming from meat contamination of knackery meat;
- The estimated levels of the prohibited substance detected being considered as low;
- Greyhound racing penalty precedents;
- Mrs Davis' submissions in mitigation of penalty, including in relation to her good character and record and her feeding practices including the use of knackery meat.

9. In addition, the Greyhound was disqualified from race 1 at The Gardens meeting on 26 July 2019 pursuant to Rule 83(4) of the Rules.

10. The Commission notes that there have been several recent cases involving meat contamination as the suggested and / or likely source of a positive swab coming before it. For offences that arise in the future, consideration will be given to larger penalties to communicate to the greyhound racing community that the feeding of knackery meat is an unacceptable practice and must stop.

.....End.....