

GREYHOUND WELFARE & INTEGRITY COMMISSION
DISCIPLINARY ACTION DECISION

Date of decision:	23 November 2020
Decision-maker:	Interim Chief Executive Officer, Steven Griffin
Name of relevant person:	Mr David Howarth
Track:	Gunnedah
Date:	24 June 2020
Rule no.:	Rule 83(2)(a)
Charge(s):	(1) Mr Howarth presented the greyhound 'Silent Oscar' (" Greyhound ") for the purposes of competing in race 2 at the Gunnedah meeting on 24 June 2020 in circumstances where the Greyhound was not free of any prohibited substance.
Prohibited substance:	Dexamethasone
Disciplinary action taken:	8-week suspension; deferred commencement to 24 November 2020 under Rule 95(5)

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 taken from the greyhound, 'Silent Oscar' ("**Greyhound**") at the Gunnedah meeting on 24 June 2020.

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

After considering the evidence, the Commission charged Mr Howarth with a breach of Rule 83(2)(a) of the Commission's Greyhound Racing Rules ("**Rules**") given that the post-race urine sample taken from the Greyhound confirmed the presence of the prohibited substance dexamethasone.

Mr Howarth admitted the charge at the earliest opportunity.

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

DECISION:

1. Mr Howarth is a registered greyhound trainer and the trainer of the Greyhound. The Greyhound competed in race 2 at the Gunnedah meeting on 24 June 2020 (“Event”). Following the Event, a urine sample was taken from the Greyhound.
2. The post-Event swab revealed the presence of dexamethasone. Dexamethasone is a prohibited substance under Rule 1 of the Rules.
3. The Commission charged Mr Howarth 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 Howarth admitted the charge, provided written submissions and elected to have the disciplinary proceeding conducted in writing. Mr Griffin, Interim CEO, took over as decision-maker of the matter in November 2020, partway through the proceedings, having provided Mr Howarth a reasonable opportunity to object to this change.
5. The Commission found the charge proven and took the following disciplinary action against Mr Howarth:

To suspend his trainer registration for a period of 8 weeks.
6. In taking this disciplinary action, the Commission considered all evidence, including:
 - Mr Howarth has held a trainer registration for approximately 12 years;
 - Mr Howarth has no history of prohibited substance matters;
 - Mr Howarth’s admission of the charge at the earliest opportunity;
 - NSW greyhound racing penalty precedents;
 - Mr Howarth’s submissions in mitigation of penalty, including in relation to his good character and record, his review of and amendment to his animal husbandry practices and a reasonable explanation for the likely source of the positive result.
7. In addition, the Greyhound was disqualified from race 2 at the Gunnedah meeting on 24 June 2020 pursuant to Rule 83(4) of the Rules.

.....End.....