

**GREYHOUND WELFARE & INTEGRITY COMMISSION**  
**DISCIPLINARY ACTION DECISION**

**Date of decision:** 16 February 2021

**Decision-makers:** Sarah McClure, Senior Legal Officer, David OShannessy, Chief Inspector & Dean Degan, Senior Steward

**Name of relevant person:** Mr Sydney Swain

**Track:** Wentworth Park

**Date:** 29 August 2020, 9 September 2020

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

**Charge(s):** (1) A greyhound trained by Mr Swain, 'Midnight Escape' ("**first Greyhound**") was presented for the purposes of competing in race 4 at the Wentworth Park meeting on 29 August 2020 in circumstances where the first Greyhound was not free of any prohibited substance.

(2) Mr Swain presented the greyhound 'Night Tracker' ("**second Greyhound**") for the purposes of competing in race 1 at the Wentworth Park meeting on 9 September 2020 in circumstances where the second Greyhound was not free of any prohibited substance.

**Prohibited substance(s):** Meloxicam

**Disciplinary action taken:** Charge 1: 9-week suspension (wholly and conditionally suspended) and \$250 fine

Charge 2: 12-week suspension (wholly and conditionally suspended) and \$500 fine

**REPORT:**

**First Charge**

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, 'Midnight Escape' ("**first Greyhound**") at the Wentworth Park meeting on 29 August 2020.

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

After considering the evidence, the Commission charged Mr Swain 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 first Greyhound confirmed the presence of the prohibited substance meloxicam.

### **Second Charge**

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, 'Night Tracker' ("**second Greyhound**") at the Wentworth Park meeting on 9 September 2020.

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

After considering the evidence, the Commission charged Mr Swain with a breach of Rule 83(2)(a) of the Rules given that the post-race urine sample taken from the second Greyhound confirmed the presence of the prohibited substance meloxicam.

On 16 February 2021, this matter was heard by the Commission in person.

Mr Swain admitted the charges at the earliest opportunity.

### **DECISION:**

1. Mr Swain is a registered greyhound trainer and the trainer of the first and second Greyhounds.
2. The first Greyhound competed in race 4 at the Wentworth Park meeting on 29 August 2020 ("**first Event**"). Following the first Event, a urine sample was taken from the first Greyhound. The post-Event swab revealed the presence of meloxicam.
3. The second Greyhound competed in race 1 at the Wentworth Park meeting on 9 September 2020 ("**second Event**"). Following the second Event, a urine sample was taken from the second Greyhound. The post-Event swab revealed the presence of meloxicam.
4. Meloxicam is a prohibited substance under Rule 1 of the Rules.
5. The Commission charged Mr Swain with two offences 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 revoked

shall present the greyhound free of any prohibited substance.

6. On 16 February 2021, this matter was heard by the Commission in person. Mr Swain was present at the hearing. Mr Swain admitted the charges and made submissions.
7. The Commission found the charges proven and took the following disciplinary action against Mr Swain:

Charge 1 (Rule 83(2)(a), 29/08/2020): To suspend Mr Swain's trainer registration for a period of 9 weeks, wholly suspended for 12 months on the condition he does not breach Rule 83(2)(a) during that 12-month period; and  
To fine Mr Swain in the sum of \$250.

Charge 2 (Rule 83(2)(a), 09/09/2020): To suspend Mr Swain's trainer registration for a period of 12 weeks, wholly suspended for 12 months on the condition he does not breach Rule 83(2)(a) during that 12-month period; and  
To fine Mr Swain in the sum of \$500.

8. In taking this disciplinary action, the Commission considered all evidence, including:
  - The significant length of time Mr Swain been a registered trainer being since April 1973, approximately 48 years;
  - Mr Swain has one prior prohibited substance matter in his disciplinary history involving methylamphetamine and amphetamine which was dealt with by way of a period of disqualification in 2014. Mr Swain made submissions in relation to this matter during the hearing;
  - Mr Swain's admission of the charges at the earliest opportunity;
  - NSW greyhound racing penalty precedents;
  - The significant prizemoney in the sum of \$11,500 which will be affected by the taking of this disciplinary action – this was considered as a significant factor in mitigation of penalty;
  - Mr Swain did not have an opportunity to review and amend his animal husbandry practices after the first positive and prior to the second positive due to the timing of the events;

- Mr Swain's submissions in mitigation of penalty including in relation to his good character and record, personal and financial circumstances, review of and amendment to his animal husbandry practices, a reasonable explanation for the source of the positive results, his remorse and significant contributions to the industry by way of volunteering.

9. In addition:

- the first Greyhound was disqualified from race 4 at the Wentworth Park meeting on 29 August 2020 pursuant to Rule 83(4) of the Rules;
- the second Greyhound was disqualified from race 1 at the Wentworth Park meeting on 9 September 2020 pursuant to Rule 83(4) of the Rules; and
- the second Greyhound was disqualified from race 1 at the Wentworth Park meeting on 19 September 2020 (being the final associated with the above heat) pursuant to Rule 83(5) of the Rules.

.....End.....