



## GREYHOUND WELFARE & INTEGRITY COMMISSION

### DISCIPLINARY ACTION DECISION

#### INTEGRITY HEARINGS PANEL

<b>Date of decision:</b>	10 November 2021
<b>Decision-makers:</b>	Director Compliance, Policy & Legal, Matthew Tutt, A/Deputy Chief Inspector, Shaye Barrow and Director Race Day Operations & Integrity, Wade Birch
<b>Name of relevant person:</b>	Mr Alan Provest
<b>Track:</b>	Bathurst
<b>Date:</b>	31 May 2021
<b>Rule no.:</b>	Rule 83(2)(a)
<b>Charge(s):</b>	(1) Mr Provest presented the greyhound 'Forgot to Ask' (" <b>Greyhound</b> ") for the purposes of competing in race 12 at the Bathurst meeting on 31 May 2021 in circumstances where the Greyhound was not free of any prohibited substance
<b>Prohibited Substance(s):</b>	Hydrochlorothiazide and o-desmethylvenlafaxine
<b>Disciplinary action taken:</b>	8-week suspension

#### REPORT:

Following receipt of a certificate of analysis from Racing Analytical Services Limited, the Commission conducted an investigation into the results of a pre-race urine sample taken from the greyhound, 'Forgot to Ask' ("**Greyhound**") at the Bathurst meeting on 31 May 2021.

Further analysis of the sample was conducted by the Australian Racing Forensic Laboratory confirming the presence of hydrochlorothiazide and o-desmethylvenlafaxine.

Mr Provest was found guilty by the Integrity Hearings Panel following submissions by him that he accepted the conduct that led to the charge notwithstanding that Mr Provest had entered a plea of not guilty at the commencement of the hearing.

## DECISION:

1. Mr Provest is a registered greyhound trainer and the trainer of the Greyhound. The Greyhound competed in race 12 of the Bathurst meeting on 13 May 2021 (“Event”). Before the Event, a urine sample was taken from the Greyhound.
2. The pre-Event swab revealed the presence of hydrochlorothiazide and o-desmethylvenlafaxine.
3. The Commission charged Mr Provest with an offence 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;

...

shall present the greyhound free of any prohibited substance.

4. Mr Provest admitted to the conduct leading to the charge and the panel determined that due to nature of the submissions and the absolute liability of offences under the ‘presentation’ rule that Mr Provest submissions throughout the hearing were tantamount to a guilty plea and treated this matter accordingly. Mr Provest made submissions that were accepted by panel as to the most likely source of the prohibited substance.
5. The Commission having found the charge proven and took the following disciplinary action against Mr Provest:

To suspend his registration for a period of 8-weeks.

6. In taking this disciplinary action, the Commission considered all evidence, including:
  - Mr Provest has held a trainer registration since 2003, approximately 18 years;
  - Mr Provest has two prior prohibited substance matters in his disciplinary history, one being in 2015 for 5beta-androstane 3-alpha, 17 beta-diol and one in 2016 for tetrahydrozoline however both these matters were dealt with at the same time resulting in one concurrent penalty;
  - Mr Provest admitting to the conduct leading to the charge was a demonstration of his remorse;
  - NSW greyhound racing precedents for the categorisation of the substance; and
  - Mr Provest’s submissions in mitigation of penalty, including his personal and financial circumstances, his assistance to other participants in the greyhound racing industry, his identification of the likely cause of the positive swab and his review and amendment to his animal husbandry practices.

7. In addition, the Greyhound was disqualified from race 12 at the Bathurst meeting on 31 May 2021 pursuant to Rule 83(4) of the Rules.

.....End.....