

GREYHOUND WELFARE & INTEGRITY COMMISSION
DISCIPLINARY ACTION DECISION

Date of decision:	20 May 2022
Decision-makers:	Director Compliance, Policy & Legal Services, Matthew Tutt and Director Race Day Operations & Integrity, Wade Birch
Name of relevant person:	Mr Gary Mitchell
Track:	Wagga Wagga
Date:	5 February 2022
Rule no.:	83(2)(a) ²
Charge(s):	Mr Mitchell presented the greyhound 'Let's Go Brooke' ("Greyhound") for the purposes of competing in race 9 at the Wagga Wagga meeting on 5 February 2022 in circumstances where the Greyhound was not free of any prohibited substance
Prohibited Substance(s):	Atenolol
Disciplinary action taken:	To issue Mr Mitchell a fine in the sum of \$1500.00.

Investigation

Following receipt of a certificate of analysis from Racing Analytical Services Limited dated 15 March 2022, the Commission conducted an investigation into the results of a pre-Event urine sample taken from the greyhound, 'Let's Go Brooke' ("Greyhound") at the Wagga Wagga meeting on 5 February 2022.

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

DECISION:

1. Mr Mitchell is a registered greyhound trainer and the trainer of the Greyhound. The Greyhound competed in race 9 of the Wagga Wagga meeting on 5 February 2022. Prior to the Event, a urine sample was taken from the Greyhound.
2. The pre-Event swab revealed the presence of atenolol. Atenolol is a prohibited substance under Rule 1 of the GWIC Greyhound Racing Rules ("Rules").
3. On 4 May 2022 Mr Mitchell was issued with a notice of charge and proposed disciplinary action ("Notice") in relation to the charge, setting out the proposed disciplinary action to be taken and

² This is the applicable rule in force at the time of the offence. Rule 141(1) of the Greyhound Racing Rules as published 1 May 2022 is the comparative rule.

the grounds in support of that proposed disciplinary action. The Notice also provided a brief of evidence for the charge.

4. In the Notice issued on 4 May 2022 the decision makers charged Mr Mitchell with the 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.

5. The Notice proposed a penalty of a sixteen (16) week suspension and invited Mr Mitchell to attend a scheduled hearing to enter a plea in relation to the charge and to make submissions in relation to the charge and the proposed penalty.
6. On 17 May 2022 Mr Mitchell attended the scheduled hearing with the decision makers and entered a plea of guilty.
7. The decision makers found the charge proven and took the following disciplinary action against Mr Mitchell:

Charge (83(2)(a)): To issue Mr Mitchell a fine in the sum of \$1,500.00.

8. In taking this disciplinary action, the decision makers considered all evidence, including:
 - Greyhound racing penalty precedents in NSW;
 - The length of time Mr Mitchell has held a trainer registration, being since 2002, a period of approximately twenty (20) years;
 - Mr Mitchell's disciplinary history – he does not have any like matters on his record;
 - Mr Mitchell's plea of guilty at the earliest opportunity;
 - Mr Mitchell's specific explanation for the origin of the substance in the Greyhound being cross contamination through Mr Mitchell's medication;
 - Mr Mitchell's submissions as to the review of, and amendment to, his animal husbandry practices to ensure that cross contamination of his greyhounds from his medication does not occur in the future; and
 - Mr Mitchell's forthright evidence at the hearing.
9. The decision makers considered that Mr Mitchell's culpability in relation to the Charge was significantly reduced as a result of the specific explanation provided by Mr Mitchell in relation to how the substance came to be in the Greyhound's system. Accordingly, a significant reduction from the proposed penalty was considered appropriate.
10. In addition, the Greyhound was disqualified from race 9 at the Wagga Wagga meeting on 5 February 2022 pursuant to Rule 141(4) of the Rules.

.....End.....