



GREYHOUND WELFARE & INTEGRITY COMMISSION
DISCIPLINARY ACTION DECISION

Date of decision:	16 June 2022
Decision-makers:	Senior Steward, Kevin Adams and Steward, Shane O'Shea
Name of relevant person:	Mr Barry Kevin Yates
Track:	The Gardens
Date:	8 April 2022
Rule no.:	83(2)(a) ¹
Charge(s):	Mr Yates presented the greyhound 'Ana Kohai' (" Greyhound ") for the purposes of competing in race 4 at the The Gardens meeting on 8 April 2022 in circumstances where the Greyhound was not free of any prohibited substance
Prohibited Substance(s):	Cobalt at or in excess of the threshold of 100 nanograms per millilitre
Disciplinary action taken:	To suspend Mr Yates's registration for a period of ten (10) weeks.

Investigation

Following receipt of a certificate of analysis from Racing Analytical Services Limited dated 10 May 2022, the Commission conducted an investigation into the results of a post-Event urine sample taken from the greyhound, 'Ana Kohai' ("**Greyhound**") at the The Gardens meeting on 8 April 2022.

Further analysis of the sample was conducted by the Racing Chemistry Laboratory, confirming the presence of cobalt at or in excess of the threshold of 100 nanograms per millilitre.

DECISION:

1. Mr Yates is a registered greyhound trainer and the trainer of the Greyhound. The Greyhound competed in race 4 of the The Gardens meeting on 8 April 2022. Following the Event, a urine sample was taken from the Greyhound.
2. The post-Event swab revealed the presence of cobalt at or in excess of the threshold of 100 nanograms per millilitre. Cobalt at or in excess of the threshold of 100

¹ 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.

nanograms per millilitre is a prohibited substance under Rule 83(10) of the GWIC Greyhound Racing Rules (“**Rules**”).

3. On 3 June 2022 Mr Yates 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 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 3 June 2022 the decision makers charged Mr Yates with the offence under Rule 83(2)(a), which reads:
 - i. (2) The owner, trainer or person in charge of a greyhound-
 - (b) nominated to compete in an Event;
 1. ...
 - ii. shall present the greyhound free of any prohibited substance.
5. The Notice proposed a penalty of a sixteen (16) week suspension and invited Mr Yates 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 Thursday 16 June 2022, Mr Yates 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 Yates:
 - i. **Charge (Rule 83(2)(a)):** To suspend Mr Yates’s registration for a period of ten (10) weeks.
8. In taking this disciplinary action, the decision makers considered all evidence, including:
 - (a) Greyhound racing penalty precedents in NSW, with reference to the recent disciplinary decision of *Lamb*;;
 - (b) The length of time Mr Yates has held a trainer registration, being since 1981 - a period of approximately 41 years;
 - (c) Mr Yates’s disciplinary history – noting he does not have any like matters on his record;
 - (d) Mr Yates’s plea of guilty at the earliest opportunity;
 - (e) Mr Yates’ submissions in mitigation of penalty, including his explanation of the likely source of the positive result, his review of and amendment to his animal husbandry practices, and his personal circumstances at the time.
9. In addition, the Greyhound was disqualified from race 4 at the The Gardens meeting on 8 April 2022 pursuant to Rule 141(4) of the Rules.

.....End.....