



GREYHOUND WELFARE & INTEGRITY COMMISSION
DISCIPLINARY ACTION DECISION

Date of decision:	28 July 2022
Decision-makers:	Director Race Day Operations & Integrity, Wade Birch, Senior Steward, Dean Degan, and Senior Inspector Peter Austin
Name of relevant person:	Ms Charmaine Roberts
Track:	Wentworth Park
Date:	16 April 2022
Rule no.:	83(2)(a) ¹
Charge(s):	Ms Roberts presented the greyhound 'Payton Keeping' (" Greyhound ") for the purposes of competing in race 8 at the Wentworth Park meeting on 16 April 2022 in circumstances where the Greyhound was not free of any prohibited substance.
Prohibited Substance(s):	Cobalt in excess of the threshold of 100 nanograms per millilitre.
Disciplinary action taken:	To disqualify Ms Roberts for a period of thirteen (13) months.

INVESTIGATION

Following receipt of a certificate of analysis from Racing Analytical Services Limited dated 24 May 2022, the Commission conducted an investigation into the results of a pre-race urine sample taken from the greyhound, 'Payton Keeping' ("**Greyhound**") at the Wentworth Park meeting on 16 April 2022.

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

DECISION:

1. Ms Roberts is a registered greyhound trainer and the trainer of the Greyhound. The Greyhound competed in race 8 of the Wentworth Park meeting on 16 April 2022. Prior to the Event, a urine sample was taken from the Greyhound.

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.

2. The pre-race swab revealed the presence of cobalt in excess of the threshold of 100 nanograms per millilitre.
3. Cobalt in excess of 100 nanograms per millilitre is a prohibited substance under Rule 83(10)² of the GWIC Greyhound Racing Rules (“**Rules**”).
4. On 5 July 2022 Ms Roberts 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.
5. In the Notice issued on 1 April 2022 the decision makers charged Ms Roberts 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.

6. On 25 July 2022 Ms Roberts and her legal representative attended a hearing in relation to the matter. Prior to the hearing Ms Roberts legal representative advised she would be entering a guilty plea to the charge, and this was confirmed at the hearing. At the hearing, Ms Roberts legal representative made submissions on her behalf as to the appropriate penalty.
7. The decision makers adjourned the hearing to consider the submissions made and determined to hand down the penalty in writing.
8. Following consideration of the material and submissions, the decision makers found the charge proven and take the following disciplinary action against Ms Roberts:

Charge (83(2)(a)): To disqualify Ms Roberts for a period of thirteen (13) months.

9. In taking this disciplinary action, the decision makers considered all evidence, including:
 - GWIC’s Penalty Guidelines, which outlines the objective seriousness of the offence for a person with the antecedents held by Ms Roberts and indicated a penalty of an 18-month disqualification. GWIC notes the need to rely upon its own penalty guidelines when determining an appropriate penalty, because to do otherwise would not provide any level of certainty to industry participants as to what likely outcomes will flow from breaches of this, or other rules.³

² This is the applicable rule in force at the time of the offence. Rule 140(f) of the Greyhound Racing Rules as published 1 May 2022 is the comparative rule.

³ Racing Appeals decision of Mr Allen Williams determined 15 July 2020, paragraph [28].

- The length of time Ms Roberts has held a registration, being since 1990, a period of approximately thirty-two (32) years;
- Ms Roberts disciplinary history – noting that she had three prior breaches of the same Rule for the detection of the same substance – once in 2016 and twice more recently in 2020;
- Ms Roberts plea of guilty at the earliest opportunity, which afforded her a reduction of penalty of 25% from the 18-month period stipulated in the Penalty Guidelines. For ease of sentencing, whilst a 25% discount on penalty equates to 13.5 months, it was determined not to be a requirement to strictly apply a mathematical formula to the penalty guidelines, and a penalty of a 13-month disqualification was the appropriate penalty;
- The submissions made on Ms Roberts behalf, including in relation to her contribution to the sport and the likely source of the positive result on the analyst findings, however the decision-makers could not be comfortably satisfied on the evidence of the likely source that led to the positive analysis and did not accept this submission;
- Ultimately the decision makers determined that no further discount should be applied, having regard to Ms Roberts disciplinary history which includes three prior breaches, not including this matter, in a period of six years under the same rule. The decision makers determined that this outweighed any other factors in mitigation and that no further discount could appropriately be given.

10. In addition, the Greyhound was disqualified from race 8 at the Wentworth Park meeting on 16 April 2022 pursuant to Rule 141(4) of the Rules.

.....End.....