

GREYHOUND WELFARE & INTEGRITY COMMISSION
DISCIPLINARY ACTION DECISION

Date of decision:	20 May 2022
Decision-makers:	Director Race Day Operations & Integrity, Wade Birch and Senior Steward, Kevin Adams
Name of relevant person:	Mr Alan Smith
Track:	Tamworth
Date:	19 February 2022
Rule no.:	83(2)(a) ²
Charge(s):	Mr Smith presented the greyhound 'Dynamic Belle' (" Greyhound ") for the purposes of competing in race 1 at the Tamworth meeting on 19 February 2022 in circumstances where the Greyhound was not free of any prohibited substance
Prohibited Substance(s):	17-methylmorphinan-3-OL
Disciplinary action taken:	To suspend Mr Smith's registration for a period of six (6) weeks.

Investigation

Following receipt of a certificate of analysis from Racing Analytical Services Limited dated 4 April 2022, the Commission conducted an investigation into the results of a post-Event urine sample taken from the greyhound, 'Dynamic Belle' ("**Greyhound**") at the Tamworth meeting on 19 February 2022.

Further analysis of the sample was conducted by the Australian Racing Forensic Laboratory, confirming the presence of 17-methylmorphinan-3-OL.

DECISION:

1. Mr Smith is a registered greyhound trainer and the trainer of the Greyhound. The Greyhound competed in race 1 of the Tamworth meeting on 19 February 2022. Following the Event, a urine sample was taken from the Greyhound.
2. The post-Event swab revealed the presence of 17-methylmorphinan-3-OL. 17-methylmorphinan-3-OL is a prohibited substance under Rule 1 of the GWIC Greyhound Racing Rules ("**Rules**").
3. On 5 May 2022 Mr Smith 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 5 May 2022 the decision makers charged Mr Smith 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 an eight (8) week suspension and invited Mr Smith 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 Smith attended the scheduled hearing with the decision makers and initially entered a plea of not guilty. After discussions between Mr Smith and Mr Birch clarifying the nature of the charge, confirming that the charge is in relation to presenting the Greyhound when it was not clear of a prohibited substance; and that Mr Smith was not facing a charge of administering the prohibited substance, Mr Smith amended his plea to guilty, which was accepted by both Mr Birch and Mr Adams.
7. The decision makers found the charge proven and took the following disciplinary action against Mr Smith:

Charge (83(2)(a)): To suspend Mr Smith's registration for a period of six (6) weeks.

8. In taking this disciplinary action, the decision makers considered all evidence, including:
 - Greyhound racing penalty precedents in NSW;
 - The length of time Mr Smith has held a trainer registration, being since 2011, a period of approximately twelve (12) years;
 - Mr Smith's disciplinary history –he does not have any like matters on his record;
 - Mr Smith's plea of guilty ; and
 - Mr Smith's forthright evidence and submissions made at the hearing.
9. In addition, the Greyhound was disqualified from race 1 at the Tamworth meeting on 19 February 2022 pursuant to Rule 141(4) of the Rules.

.....End.....