

GREYHOUND WELFARE & INTEGRITY COMMISSION

DISCIPLINARY ACTION DECISION

Date of decision:	1 May 2020
Decision-maker:	Chief Executive Officer, Judith Lind
Name of relevant person:	Mr Julian Spiteri
Track:	Dapto
Date:	19 September 2019, 10 October 2019
Rule no.:	Rule 83(2)(a) x 2
Charge(s):	(1) Mr Spiteri presented the greyhound 'Ritza Flame' (" Greyhound ") for the purposes of competing in race 6 at the Dapto meeting on 19 September 2019 in circumstances where the Greyhound was not free of any prohibited substance; (2) Mr Spiteri presented the greyhound 'Ritza Fire' (" Second Greyhound ") for the purposes of competing in race 5 at the Dapto meeting on 10 October 2019 in circumstances where the Greyhound was not free of any prohibited substance.
Prohibited substance(s):	Caffeine and its metabolites theophylline, paraxanthine and theobromine
Disciplinary action taken:	Suspension periods served concurrently Charge 1 (Rule 83(2)(a)): 10-week suspension Charge 2 (Rule 83(2)(a)): 12-week suspension

REPORT:

First Charge

Following receipt of a certificate of analysis from the Racing Analytical Services Laboratory, the Commission conducted an investigation into the results of a post-race urine sample taken from the greyhound, 'Ritza Flame' ("**Greyhound**") at the Dapto meeting on 19 September 2019.

Further analysis of the sample was conducted by the Australian Racing Forensic Laboratory, confirming the presence of caffeine and its metabolites theophylline, paraxanthine and theobromine.

After considering the evidence, the Commission charged Mr Spiteri with a breach of Rule 83(2)(a) of the Commission's Greyhound Racing Rules ("**Rules**") given that the post-race urine

same taken from the Greyhound confirmed the presence of prohibited substances, caffeine and its metabolites theophylline, paraxanthine and theobromine.

Second Charge

Following receipt of a certificate of analysis from the Racing Analytical Services Laboratory, the Commission conducted an investigation into the results of a post-race urine sample taken from the greyhound, 'Ritza Fire' ("**second Greyhound**") at the Dapto meeting on 10 October 2019.

Further analysis of the sample was conducted by the Australian Racing Forensic Laboratory, confirming the presence of caffeine and its metabolites theophylline, paraxanthine and theobromine.

After considering the evidence, the Commission charged Mr Spiteri with a breach of Rule 83(2)(a) of the Rules given that the post-race urine same taken from the Greyhound confirmed the presence of prohibited substances, caffeine and its metabolites theophylline, paraxanthine and theobromine.

Mr Spiteri denied both charges.

The disciplinary proceeding was conducted in writing in accordance with the participant's election.

DECISION:

1. Mr Spiteri is a registered trainer and the trainer of the Greyhound. The Greyhound competed in race 6 at the Dapto meeting on 19 September 2019 ("**First Event**") and a post-Event urine sample was taken from the Greyhound.
2. The first post-Event swab revealed the presence of caffeine and its metabolites theophylline, paraxanthine and theobromine. Caffeine and its metabolites theophylline, paraxanthine and theobromine are prohibited substances under Rule 1 of the Rules.
3. The second Greyhound competed in race 5 at the Dapto meeting on 10 October 2019 ("**Second Event**") and a second post-Event urine sample was taken from the second Greyhound.
4. The second post-Event swab revealed the presence of caffeine and its metabolites theophylline, paraxanthine and theobromine. Caffeine and its metabolites theophylline, paraxanthine and theobromine are prohibited substances under Rule 1 of the Rules.
5. The Commission charged Mr Spiteri under Rule 83(2)(a) for each offence, which reads:
 - (2) The owner, trainer or person in charge of a greyhound-
 - (a) nominated to compete in an Event;
 - (b) presented for a satisfactory, weight or whelping trial or such other trial as provided for pursuant to these Rules; or

(c) presented for any test or examination for the purpose of a period of incapacitation or prohibition being varied or revoked

shall present the greyhound free of any prohibited substance.

6. Mr Spiteri denied the charges, provided brief written submissions and elected to have the disciplinary proceeding conducted in writing.
7. The Commission found both of the charges proven and took the following disciplinary action against Mr Spiteri:

Charge 1 (Rule 83(2)(a)): To suspend his trainer registration for a period of 10 weeks;

Charge 2 (Rule 83(2)(a)): To suspend his trainer registration for a period of 12 weeks,

with the periods of suspension to be served concurrently.

8. In taking this disciplinary action, the Commission considered all evidence, including:
 - Mr Spiteri has been a registered trainer for approximately 22 years;
 - Mr Spiteri has no prior history of prohibited substance offences;
 - NSW greyhound racing penalty guidelines and precedents;
 - Mr Spiteri did not have an opportunity to review and amend his animal husbandry practices after the first positive and prior to the second positive swab due to the timing of the notification of the first positive;
 - Mr Spiteri's submissions in mitigation of penalty, including in relation to his review and amendment of his animal husbandry practices, his personal circumstances and remorse.
9. In addition, the Greyhound was disqualified from race 6 at the Dapto meeting on 19 September 2019 and the Second Greyhound was disqualified from race 5 at the Dapto meeting on 10 October 2019 pursuant to Rule 83(4).

.....End.....