

GREYHOUND WELFARE & INTEGRITY COMMISSION

DISCIPLINARY ACTION DECISION

Date of decision: 23 July 2019

Decision-maker: A/Chief Executive Officer, Matthew Tutt

Name of relevant person: Mr Terence Wilson

Track: Lismore

Date: 8 January 2019

Rule no.: Rule 83(2)(a)

Charge(s): (1) Mr Wilson presented the greyhound 'Surfin' Girl' ("Greyhound") for the purposes of competing in race 9 at the Lismore meeting on 8 January 2019 in circumstances where the Greyhound was not free of any prohibited substance.

Prohibited substance(s): Arsenic

Disciplinary action taken: Suspension: 7-weeks

REPORT:

Following receipt of a certificate of analysis from the Racing Analytical Services Laboratory, the Commission conducted an investigation into the results of a pre-race urine sample taken from the greyhound, 'Surfin' Girl' ("Greyhound") at the Lismore meeting on 8 January 2019.

Further analysis of the sample was conducted by the Australian Racing Forensic Laboratory, confirming the presence of arsenic at a mass concentration of 1163 nanograms per millilitre.

After considering the evidence, the Commission charged Mr Wilson with a breach of Rule 83(2)(a) of the Commission's Greyhound Racing Rules given that pre-race urine sample taken from the Greyhound confirmed the presence of prohibited substance arsenic above the threshold imposed by Rule 83(11) of 800 nanograms per millilitre.

Mr Wilson admitted the charge at the earliest opportunity in a recorded interview with Commission staff and made oral submissions in relation to the charge and the proposed penalties.

The disciplinary action was then conducted in writing.

DECISION:

1. Mr Wilson is a registered greyhound trainer and the trainer of the Greyhound. The Greyhound was presented for race 9 at the Lismore meeting on 8 January 2019 (“Event”) and a pre-Event urine sample was taken from the Greyhound.
2. The pre-Event swab revealed the presence of arsenic at a mass concentration of 1163 nanograms per millilitre. Arsenic, at a mass concentration greater than 800 nanograms per millilitre is a prohibited substance under Rule 83(11) of the Commission’s Greyhound Racing Rules. Arsenic is a category 5 prohibited substance under the NSW greyhound racing penalty guidelines. Category 5 is the lowest category of prohibited substance.
3. The Commission charged Mr Wilson 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;
 - (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 revokedshall present the greyhound free of any prohibited substance.
4. Mr Wilson admitted the charge at the earliest opportunity and made oral submissions in relation to the charge and penalty.
5. The Commission found the charge proven and took the following disciplinary action against Mr Wilson:

To impose fine in the sum of \$1,000.00.
6. In taking this disciplinary action, the Commission considered all evidence, including:
 - Mr Wilson has been a registered trainer for 47 years;
 - Mr Wilson has no history of any prohibited substance matters;
 - NSW greyhound racing penalty guidelines and precedents;
 - Mr Wilson’s admission at the earliest opportunity;
 - Mr Wilson’s submissions in mitigation of penalty, including a reasonable explanation for the source of the positive result and confirmation that he has reviewed and amended his animal husbandry procedures.
7. In addition, the Greyhound was disqualified from race 9 at the Lismore meeting on 8 January 2019 pursuant to Rule 83(4), which reads:
 - (4) A greyhound presented for an Event pursuant to sub-rules (1) or (2) shall be disqualified from the Event or any benefit derived from a trial or test.

8. After notification of the disciplinary action decision, Mr Wilson sought an informal review of the decision, requesting the Commission to take into account recent changes to his personal circumstances, including his health.
9. After consideration of all evidence in the matter, including Mr Wilson's further submissions received after the disciplinary action had been taken, the Commission was satisfied, having sustained the finding that Mr Wilson had breached Rule 83(2)(a), that there were grounds to amend the penalty previously issued and instead took the following disciplinary action against Mr Wilson:

To suspend his trainer registration for a period of 7 weeks.

10. The Greyhound was also disqualified from race 9 at the Lismore meeting on 8 January 2019 pursuant to Rule 83(4).

.....End.....