

GREYHOUND WELFARE & INTEGRITY COMMISSION
DISCIPLINARY ACTION DECISION

Date of decision: 19 February 2021

Decision-makers: Sarah McClure, Senior Legal Officer, David OShannessy, Chief Inspector & Dean Degan, Senior Steward

Name of relevant person: Mr John Callaghan

Track: Wentworth Park

Date: 4 July 2020

Rule no.: Rule 83(2)(a); 79A(4)(i)

Charge(s): (1) Mr Callaghan presented the greyhound 'Memories One' ("**Greyhound**") for the purposes of competing in race 9 at the Wentworth Park meeting on 4 July 2020 in circumstances where the Greyhound was not free of any prohibited substance.

(2) An out of competition sample taken from a greyhound trained by Mr Callaghan, 'Memories One' on 5 July 2020 was found to contain a permanently banned prohibited substance.

Permanently banned prohibited substance: Dehydronorketamine

Prohibited substance: 4-hydroxy xylazine

Disciplinary action taken:

Charge 1: 20-week suspension (wholly and conditionally suspended)

Charge 2: Not impose any further penalty having regard to the penalty issued for charge 1.

REPORT:

First Charge

Following receipt of a certificate of analysis from Racing Analytical Services Limited, the Commission conducted an investigation into the results of a post-race urine sample taken from the greyhound, 'Memories One' ("**Greyhound**") at the Wentworth Park meeting on 4 July 2020.

Further analysis of the sample was conducted by the Australian Racing Forensic Laboratory confirming the presence of dehydronorketamine and 4-hydroxy xylazine.

After considering the evidence, the Commission charged Mr Callaghan with a breach of Rule 83(2)(a) of the Commission's Greyhound Racing Rules ("**Rules**") given that the post-race urine sample taken from the Greyhound confirmed the presence of the permanently banned prohibited substance dehydronorketamine and prohibited substance 4-hydroxy xylazine.

Second Charge

Following receipt of a certificate of analysis from Racing Analytical Services Limited, the Commission conducted an investigation into the results of an out of competition sample taken from the Greyhound on 5 July 2020.

Further analysis of the sample was conducted by the Australian Racing Forensic Laboratory confirming the presence of dehydronorketamine and 4-hydroxy xylazine.

After considering the evidence, the Commission charged Mr Callaghan with a breach of Rule 79A(4)(i) of the Rules given that the out of competition urine sample taken from the Greyhound confirmed the presence of the permanently banned prohibited substance dehydronorketamine. 4-hydroxy xylazine was also detected.

Mr Callaghan admitted the charges at the earliest opportunity.

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

DECISION:

1. Mr Callaghan is a registered greyhound trainer and the trainer of the Greyhound.
2. The Greyhound competed in race 9 at the Wentworth Park meeting on 4 July 2020 ("**Event**"). Following the Event, a urine sample was taken from the Greyhound. The post-Event swab revealed the presence of dehydronorketamine and 4-hydroxy xylazine.
3. On 5 July 2020, an out of competition urine sample was taken from the Greyhound. The out of competition swab revealed the presence of dehydronorketamine. 4-hydroxy xylazine was also detected.
4. Dehydronorketamine is a permanently banned prohibited substance under Rule 79A(2)(v) of the Rules; 4-hydroxy xylazine is a prohibited substance under Rule 1 of the Rules.
5. The Commission charged Mr Callaghan under Rules 83(2)(a) and 79A(4)(i), which read:

Rule 83

...

(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.

Rule 79A

...

(4) When a sample taken from a greyhound being trained by a licensed trainer or in the care of a registered person has been found to contain a Permanently Banned Prohibited Substance specified in sub-rule (2),

(i) the trainer and any other person who was in charge of such greyhound at the relevant time shall be guilty of an offence.

6. Mr Callaghan admitted the charges, provided written submissions and elected to have the disciplinary proceeding conducted in writing.

7. The Commission found the charges proven and took the following disciplinary action against Mr Callaghan:

Charge 1 (Rule 83(2)(a), 04/07/2020):	To suspend his trainer registration for a period of 20 weeks, wholly suspended for a period of 12-months on the condition that Mr Callaghan does not breach Rule 83(2)(a) during that 12-month period;
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Charge 2 (Rule 79A(4)(i), 05/07/2020):	To not impose any further penalty having regard to the penalty imposed for charge 1.
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8. In taking this disciplinary action, the Commission considered all evidence, including:

- Mr Callaghan has held a trainer registration for approximately 26 years;
- Mr Callaghan has one prior prohibited substance matter in his disciplinary history involving dexamethasone which was dealt with by way of a fine in 2016;
- Mr Callaghan's admission of the charges at the earliest opportunity;
- Greyhound racing penalty precedents – in NSW and other jurisdictions;
- The significant prizemoney in the sum of approximately \$12,000 which will be affected by the taking of this disciplinary action – this was considered as a significant factor in mitigation of penalty;

- Mr Callaghan’s submissions in mitigation of penalty, including in relation to his good character and record, remorse, review of and amendment to his animal husbandry practices, a reasonable explanation for the likely source of the positive results being from the use of knacker meat.

9. In addition, the Greyhound was disqualified from race 9 at the Wentworth Park meeting on 4 July 2020 pursuant to Rule 83(4) of the Rules and race 6 at the Wentworth Park meeting on 11 July 2020 (being the final associated with the heat) pursuant to Rule 83(5) of the Rules.

.....End.....