

GREYHOUND WELFARE & INTEGRITY COMMISSION
DISCIPLINARY ACTION DECISION

Date of decision:	Saturday 23 December 2023
Decision-maker:	Senior Steward Dean Degan and Casual Steward Craig Pringle
Name of relevant person:	Jamie O'Malley
Track	Dubbo
Date:	22 July 2023 & 31 July 2023
Rule no.:	141(1)(a)
Charge(s):	Charge 1 Mr Jamie O'Malley presented the greyhound 'Winlock Bottles' for the purposes of competing in race 12 at the Dubbo meeting on 22 July 2023 in circumstances where the Greyhound was not free of any prohibited substance Charge 2 Mr Jamie O'Malley presented the greyhound 'Winlock Flower' for the purposes of competing in race 4 at the Dubbo meeting on 31 July 2023 in circumstances where the Greyhound was not free of any prohibited substance
Prohibited Substance(s):	Charge 1 Caffeine and its metabolites Theophylline, Paraxanthine and Theobromine Charge 2 Firocoxib
Plea:	Charge 1 - Guilty Charge 2 - Guilty
Disciplinary action taken:	To issue a 2-month suspension to commence midnight Saturday 30 December 2023 and expire midnight Saturday 24 February 2024.

INVESTIGATION

Following receipt of a certificate of analysis from Racing Analytical Services Limited (“**Laboratory**”) dated 23 August 2023 (“**First Sample**”), and receipt of another certificate of analysis from the Laboratory dated 13 September 2023 (“**Second Sample**”) the Commission conducted an investigation into the results of a post event urine sample taken from the greyhound, “Winlock Bottles” (“**First Greyhound**”) at the Dubbo meeting on 22 July 2023 and a post event urine sample taken from the greyhound “Winlock Flower” (“**Second Greyhound**”) at the Dubbo meeting on 31 July 2023.

Further analysis of both the First and Second Samples was conducted by the Australian Racing Forensic Laboratory confirming the presence of Caffeine and its metabolites Theophylline, Paraxanthine and Theobromine in the First Sample and Firocoxib at a mass concentration greater than 2 nanograms per millilitre in the Second Sample.

DECISION:

1. Mr O’Malley is a registered Owner Trainer and Breeder and the trainer of both greyhounds.
2. The First Greyhound competed in race 12 of the Dubbo meeting on 22 July 2023. Following the Event, a urine sample was taken from the Greyhound. The post-event swab revealed the presence of Caffeine and its metabolites Theophylline, Paraxanthine and Theobromine. Caffeine and its metabolites Theophylline, Paraxanthine and Theobromine is a prohibited substance under Rule 137 of the GWIC Greyhound Racing Rules.
3. The Second Greyhound competed in race 4 of the Dubbo meeting on 31 July 2023. Following the Event, a urine sample was taken from the Greyhound. The post-event swab revealed the presence of Firocoxib. Firocoxib at a mass concentration greater than 2 nanograms per millilitre is a prohibited substance under Rule 146(6)(d) of the Rules.
4. On 11 December 2023 Mr O’Malley was issued with a notice of charge and proposed disciplinary action (“**Notice**”).
5. In the Notice issued on 11 December 2023 the decision makers charged Mr O’Malley with an offence under Rule 141(1)(a) of the Greyhound Racing Rules, which reads:

Rule 141(1), Rules

(1) The owner, trainer or other person in charge of a greyhound:

(a) nominated to compete in an Event;

...

must present the greyhound free of any prohibited substance.

...

(3) The owner, trainer or person in charge of a greyhound presented contrary to subrule (1) of this rule shall be guilty of an offence.

6. The Notice proposed a penalty of a four-month suspension for each charge, to be served concurrently, and invited Mr O'Malley to attend a hearing to enter a plea and make submissions in relation to the charge.
7. On Saturday 23 December 2023 Mr O'Malley attended a hearing held via Microsoft Teams and:
 - a) entered a plea of guilty and;
 - b) made verbal submissions.
8. In considering the matter, the decision makers considered Mr O'Malley's plea and submissions, as well as all available evidence. The decision makers found the charge proven and took the following disciplinary action against Mr O'Malley:

Charge 141(1)(a): To issue a 2-month suspension to commence midnight Saturday 30 December 2023 and expire midnight Saturday 24 February 2024.

9. In taking this disciplinary action, the decision makers considered all evidence, including:
 - Mr O'Malley's guilty plea (25% reduction)
 - Mr O'Malley's 30-year registration history and good record, with no like prior offences
 - GWIC penalty guidelines
10. In addition, the First Greyhound was disqualified from race 12 at the Dubbo meeting on 22 July 2023 pursuant to Rule 141(4) of the Rules and the Second Greyhound was disqualified from Race 4 at the Dubbo meeting on 31 July 2023 pursuant to Rule 141(4) of the Rules

.....End.....