



GREYHOUND WELFARE & INTEGRITY COMMISSION
DISCIPLINARY ACTION DECISION

Date of decision: 17 February 2021

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

Name of relevant person: Mrs Melanie Mabbott

Track: Tamworth

Date: 17 October 2020

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

Charge(s): (1) Mrs Mabbott presented the greyhound 'Smiley Sadie' ("**Greyhound**") for the purposes of competing in race 8 at the Tamworth meeting on 17 October 2020 in circumstances where the Greyhound was not free of any prohibited substance.

Prohibited substance(s): Heptaminol

Disciplinary action taken: Charge 1: \$1,500 fine;
Disciplinary action dated [21/08/2020](#): Partial activation of previously wholly and conditionally suspended suspension due to breach of condition.

REPORT:

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, 'Smiley Sadie' ("**Greyhound**") at the Tamworth meeting on 17 October 2020.

Further analysis of the sample was conducted by the Australian Racing Forensic Laboratory confirming the presence of heptaminol.

After considering the evidence, the Commission charged Mrs Mabbott 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 prohibited substance heptaminol.

Disciplinary action had been taken against Mrs Mabbott by the Commission on 21 August 2020 relating to a prior prohibited substance matter in which Mrs Mabbott received a wholly and conditionally suspended suspension:

To suspend her trainer registration for a period of 26 weeks, wholly suspended for a period of 12-months on the condition that Mrs Mabbott does not breach Rule 83(2)(a) during that 12-month period.

On 17 February 2021, this matter was heard by the Commission in an online hearing.

Mrs Mabbott was legally represented during the hearing and admitted the charge at the earliest opportunity.

DECISION:

1. Mrs Mabbott is a registered greyhound trainer and the trainer of the Greyhound.
2. The Greyhound competed in race 8 at the Tamworth meeting on 17 October 2020 (“**Event**”). Following the Event, a urine sample was taken from the Greyhound. The post-Event swab revealed the presence of heptaminol.
3. Heptaminol is a prohibited substance under Rule 1 of the Rules.
4. The Commission charged Mrs Mabbott with an 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;
 - (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.
5. On 17 February 2021, this matter was heard by the Commission in an online hearing. Mrs Mabbott and her legal representative were present at the hearing. Mrs Mabbott admitted the charge. During the hearing, Mrs Mabbott gave oral evidence and submissions were made on her behalf.
6. The Commission found the charge proven and this matter was considered as a breach of the condition of the former disciplinary action dated 21 August 2020.
7. The Commission took the following disciplinary action against Mrs Mabbott:

Charge 1 (Rule 83(2)(a)):

To fine Mrs Mabbott in the sum of \$1,500.

Disciplinary Action dated [21/08/2020](#):

To activate 13 weeks suspension of the 26-week suspension wholly and conditionally suspended by the Commission in the decision of 21 August 2020,

with:

- The 13-week suspension to commence on 17 February 2021 and expire at 12:00am on 19 May 2021.

8. In taking this disciplinary action, the Commission considered all evidence, including:
 - Greyhound racing penalty precedents in NSW and other jurisdictions;
 - Mrs Mabbott's admission of the charge at the earliest opportunity;
 - Mrs Mabbott's disciplinary history – which includes a prior prohibited substance matter involving dehydronorketamine for which Mrs Mabbott received a 26-week suspension that was wholly suspended on 21 August 2020 on the condition she did not breach Rule 83(2)(a) during that 12-month period, of which this matter was determined to be a breach of that condition;
 - The prizemoney affected as a result of the taking of this disciplinary action;
 - The oral evidence of Mrs Mabbott and further submissions made on her behalf in mitigation of penalty including in relation to her good character and record, her personal and financial circumstances, her review of and amendment to her animal husbandry practices, a reasonable explanation for the source of the positive result, her remorse and embarrassment.
9. In addition, the Greyhound was disqualified from race 8 at the Tamworth meeting on 17 October 2020 pursuant to Rule 83(4) of the Rules.
10. In partially activating the previously wholly and conditionally suspended suspension, the decision-makers considered that the remaining 13-week suspension (having only activated 13-weeks on 17 February 2021) continues to be wholly and conditionally suspended until 21 August 2021, on the basis that:
 - The Commission did not have the grounds or power under the Act or Rules to replace or amend the disciplinary decision of 21 August 2020; and
 - The Commission could only exhaust the disciplinary decision of 21 August 2020 by re-activating the entire 26-week suspension, which would have resulted in Mrs Mabbott serving the entire 26-week suspension from 17 February 2021.

.....End.....