

GREYHOUND WELFARE & INTEGRITY COMMISSION
DISCIPLINARY ACTION DECISION

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| Date of decision: | 18 May 2022 |
| Decision-makers: | Director Race Day Operations & Integrity, Wade Birch, Director Compliance, Policy & Legal Services, Matthew Tutt and Legal Officer, Annalese Summerson-Hingston |
| Name of relevant person: | Mr Andrew Bell |
| Track: | Dapto |
| Date: | 16 December 2021 |
| Rule no.: | 83(2)(a) ¹ |
| Charge(s): | Mr Bell presented the greyhound 'King Reed' (" Greyhound ") for the purposes of competing in race 10 at the Dapto meeting on 16 December 2021 in circumstances where the Greyhound was not free of any prohibited substance. |
| Prohibited Substance(s): | Amphetamine, 4-hydroxyamphetamine and methamphetamine |
| Disciplinary action taken: | To disqualify Mr Bell for a period of sixteen (16) months. |

INVESTIGATION

Following receipt of a certificate of analysis from Racing Analytical Services Limited dated 25 January 2022, the Commission conducted an investigation into the results of a post-Event urine sample taken from the greyhound, 'King Reed' ("**Greyhound**") at the Dapto meeting on 16 December 2021.

Further analysis of the sample was conducted by the Australian Racing Forensic Laboratory, confirming the presence of amphetamine, 4-hydroxyamphetamine and methamphetamine.

DECISION:

1. Mr Bell is a registered greyhound trainer and the trainer of the Greyhound. The Greyhound competed in race 10 of the Dapto meeting on 16 December 2021. Following the Event, a urine sample was taken from the Greyhound.
2. The post-Event swab revealed the presence of amphetamine, 4-hydroxyamphetamine and methamphetamine.

¹ This is the applicable rule in force at the time of the offence. Rule 141(1) of the Greyhound Racing Rules as published 1 May 2022 is the comparative rule.

3. Amphetamine, 4-hydroxyamphetamine and methamphetamine are permanently banned prohibited substances under Rule 79A(2)(vi) of the GWIC Greyhound Racing Rules (“**Rules**”).
4. On 1 April 2022 Mr Bell was issued with a notice of charge and proposed disciplinary action (“**Notice**”) in relation to the charge, setting out the proposed disciplinary action to be taken and the grounds in support of that proposed disciplinary action. The Notice also provided a brief of evidence for the charge.
5. In the Notice issued on 1 April 2022 the decision makers charged Mr Bell with the 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;

...

shall present the greyhound free of any prohibited substance.

6. On 18 May 2022 Mr Bell and his legal representatives attended a final hearing in the matter. At the hearing, Mr Bell entered a plea of not guilty and his legal representatives made submissions on his behalf.
7. The decision makers found the charge proven and took the following disciplinary action against Mr Bell:

Charge (83(2)(a)): To disqualify Mr Bell for a period of sixteen (16) months.

8. In taking this disciplinary action, the decision makers considered all evidence, including:
 - Greyhound racing penalty precedents in NSW – these included the GWIC decisions of Camilleri, Last, Smyth, Martin, Fenwick-Benjes and Swain;
 - The length of time Mr Bell has held a registration, being since 1990, a period of approximately thirty-two (32) years;
 - Mr Bell’s disciplinary history – noting that he had one prior breach under the same Rule following the detection of arsenic in May 2019 for which he received a fine and a wholly suspended suspension;
 - Mr Bell’s plea of not guilty;
 - The submissions made on Mr Bell’s behalf as to why the charge should not be found proven, including the report of Dr Derek Major, as well as various legal arguments, which the decision makers did not ultimately accept;
 - The submission that the decision makers did not have delegated authority of the Commission to make a decision under section 58 of the Greyhound Racing Act, which was not accepted; and

- The submissions in mitigation of penalty made by Mr Bell and on his behalf, including in relation to his personal circumstances, his financial circumstances, and his contribution to the industry on the whole.

9. In addition, the Greyhound was disqualified from race 10 at the Dapto meeting on 16 December 2021 pursuant to Rule 141(4) of the Rules.

.....End.....