

**GREYHOUND WELFARE & INTEGRITY COMMISSION**  
**DISCIPLINARY ACTION DECISION**

<b>Date of decision:</b>	13 December 2019
<b>Decision-maker:</b>	Chief Executive Officer, Judith Lind
<b>Name of relevant person:</b>	Mr Brendan Whelan
<b>Track:</b>	Grafton, Lismore
<b>Date:</b>	8 July 2019, 6 August 2019
<b>Rule no.:</b>	Rule 83(2)(a) x 2
<b>Charge(s):</b>	(1) Mr Whelan presented the greyhound 'Axle Whelan' ("Greyhound") for the purposes of competing in race 7 at the Grafton meeting on 8 July 2019 in circumstances where the Greyhound was not free of any prohibited substance;  (2) Mr Whelan presented the Greyhound for the purposes of competing in race 2 at the Lismore meeting on 6 August 2019 in circumstances where the Greyhound was not free of any prohibited substance.
<b>Prohibited substance(s):</b>	Atenolol
<b>Disciplinary action taken:</b>	Suspension periods served concurrently  Charge 1 (Rule 83(2)(a)): 16-week suspension  Charge 2 (Rule 83(2)(a)): 20-week suspension

**REPORT:**

**First Charge**

Following receipt of a certificate of analysis from the Racing Analytical Services Laboratory ("**Laboratory**"), the Commission conducted an investigation into the results of a post-race urine sample taken from the greyhound, 'Axle Whelan' ("**Greyhound**") at the Grafton meeting on 8 July 2019.

Further analysis of the sample was conducted by the Australian Racing Forensic Laboratory ("**Confirmatory Laboratory**"), confirming the presence of atenolol.

After considering the evidence, the Commission charged Mr Whelan 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 prohibited substance atenolol.

Mr Whelan plead not guilty to the charge.

### **Second Charge**

Following receipt of a certificate of analysis from the Laboratory, the Commission conducted an investigation into the results of a post-race urine sample taken from the Greyhound, at the Lismore meeting on 6 August 2019.

Further analysis of the sample was conducted by the Confirmatory Laboratory, confirming the presence of atenolol.

After considering the evidence, the Commission charged Mr Whelan with a breach of Rule 83(2)(a) of the Rules given that the post-race urine sample taken from the Greyhound confirmed the presence of prohibited substance atenolol.

Mr Whelan denied the charges.

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

### **DECISION:**

1. Mr Whelan is a registered greyhound trainer and the trainer of the Greyhound. The Greyhound competed in race 7 at the Grafton meeting on 8 July 2019 ("**First Event**"). Following the first Event, as the Greyhound placed first, a urine sample was taken from the Greyhound.
2. The post-Event swab revealed the presence of atenolol. The substance atenolol is a prohibited substance under Rule 1 of the Rules.
3. The Greyhound also competed in race 2 at the Lismore meeting on 6 August 2019 ("**Second Event**") and a post-Event urine sample was taken from the Greyhound.
4. The post-Event swab revealed the presence of atenolol.
5. The Commission charged Mr Whelan under Rule 83(2)(a) for each offence, 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 revoked

shall present the greyhound free of any prohibited substance.

6. Mr Whelan denied the charges, provided brief written submissions and elected to have the disciplinary proceeding conducted in writing.
7. The Commission found both of the charges proven and took the following disciplinary action against Mr Whelan:
  - Charge 1 (Rule 83(2)(a)): To suspend his trainer registration for a period of 16 weeks;
  - Charge 2 (Rule 83(2)(a)): To suspend his trainer registration for a period of 20 weeks,with the periods of suspension to be served concurrently.
8. In taking this disciplinary action, the Commission considered all evidence, including:
  - Mr Whelan has been a registered participant in the industry for a period of 4 years;
  - Mr Whelan has no prior history of prohibited substance offences;
  - NSW greyhound racing penalty guidelines and precedents;
  - Due to the timing of the taking of the samples, Mr Whelan was not notified of the first positive prior to the date of the second sample being taken, impacting upon his ability to review and amend his animal husbandry practices;
  - The low level of the prohibited substance detected in the samples;
  - Mr Whelan's brief written submissions in mitigation of the penalty.
9. In addition, the Greyhound was disqualified from race 7 at the Grafton meeting on 8 July 2019 and also from race 2 at the Lismore meeting on 6 August 2019 pursuant to Rule 83(4).

.....End.....