



GREYHOUND WELFARE & INTEGRITY COMMISSION
DISCIPLINARY ACTION DECISION

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| Date of decision: | 18 September 2020 |
| Decision-maker: | Chief Executive Officer, Judith Lind |
| Name of relevant person: | Mr Darryl Diver |
| Track: | The Gardens |
| Date: | 29 May 2020 |
| Rule no.: | Rule 83(2)(a) |
| Charge(s): | (1) Mr Diver presented the greyhound 'Diver's McCurry' (" Greyhound ") for the purposes of competing in race 8 at The Gardens meeting on 29 May 2020 in circumstances where the Greyhound was not free of any prohibited substance. |
| Permanently banned prohibited substance: | Dehydronorketamine |
| Prohibited substance: | 4-hydroxy xylazine |
| Disciplinary action taken: | 26-week suspension (wholly and conditionally suspended for 12 months) |

REPORT:

Following receipt of a certificate of analysis from Racing Analytical Services Limited, the Commission conducted an investigation into the results of a pre-race urine sample taken from the greyhound, 'Diver's McCurry' ("**Greyhound**") at The Gardens meeting on 29 May 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 Diver with a breach of Rule 83(2)(a) of the Commission's Greyhound Racing Rules ("**Rules**") given that the pre-race urine sample taken from the Greyhound confirmed the presence of the prohibited substances dehydronorketamine and 4-hydroxy xylazine.

Mr Diver admitted the charge at the earliest opportunity.

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

DECISION:

1. Mr Diver is a registered greyhound trainer and the trainer of the Greyhound. The Greyhound competed in race 8 at The Gardens meeting on 29 May 2020 (“Event”). Prior to the Event, a urine sample was taken from the Greyhound.
2. The pre-Event swab revealed the presence of dehydronorketamine and 4-hydroxy xylazine. 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.
3. The Commission charged Mr Diver 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.
4. Mr Diver admitted the charge, provided written submissions in support of his response and elected to have the disciplinary proceeding conducted in writing.
5. The Commission found the charge proven and took the following disciplinary action against Mr Diver:

To suspend his trainer registration for a period of 26 weeks, wholly suspended for a period of 12 months on the condition that Mr Diver does not breach Rule 83(2)(a) during that 12-month period.
6. In taking this disciplinary action, the Commission considered all evidence, including:
 - Mr Diver has held a greyhound licence for approximately 28 years;
 - Mr Diver has no like matters in his disciplinary history;
 - Mr Diver’s admission of the charge at the earliest opportunity;
 - NSW greyhound racing penalty precedents;
 - Mr Diver’s submissions in mitigation of penalty, including in relation to his good character and record, personal circumstances, and his feeding practices including the use of knackery meat.

7. In addition, the Greyhound was disqualified from race 8 at The Gardens meeting on 29 May 2020 pursuant to Rule 83(4) of the Rules.

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