



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

**Date of decision:** 16 March 2022

**Decision-makers:** Director Compliance, Policy & Legal, Matthew Tutt, A/ Deputy Chief Inspector, Shaye Burrow

**Name of relevant person:** Mr Benjamin Carswell

**Track:** Broken Hill

**Date:** 20 November 2021

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

**Charge(s):** (1) Mr Carswell presented the greyhound 'Mystic Bell' ("**Greyhound**") for the purposes of competing in race 1 at the Broken Hill meeting on 20 November 2021 in circumstances where the Greyhound was not free of any prohibited substance;

**Prohibited Substance(s):** Arsenic

**Disciplinary action taken:** Fine of \$1,000.00 and 12-week suspension of registrations wholly suspended for a period of 12-months conditional that Mr Carswell does not breach Rule 83(2)(a) or any like rule in that period.

### **Charge**

Following receipt of a certificate of analysis from Racing Analytical Services Limited dated 21 December 2021, the Commission conducted an investigation into the results of a post-race urine sample taken from the greyhound, 'Mystic Bell' ("**Greyhound**") at the Broken Hill meeting on 20 November 2021.

Further analysis of the sample was conducted by the Racing Chemistry Laboratory, confirming the presence of arsenic above the threshold of 800 nanograms per millilitre ("**ng/mL**").

### **Evidence, plea and submissions**

On 25 February 2022 Mr Carswell was issued with a notice of 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. Mr Carswell was also provided with a brief of evidence for the charge.

On 16 March 2022 Mr Carswell attended the scheduled hearing with the decision makers, entered a plea of guilty and made submissions in relation to the charge.

The decision makers accepted Mr Carswell's plea and submissions and issued the following decision.

**DECISION:**

1. Mr Carswell is a registered greyhound trainer and the trainer of the Greyhound. The Greyhound competed in race 1 of the Broken Hill meeting on 20 November 2021 ("**Event**"). Following the Event, a urine sample was taken from the Greyhound.
2. The post-Event swab revealed the presence of arsenic. Arsenic above a mass concentration of 800ng/mL is a prohibited substance under Rule 1 of the Rules.
3. The decision makers charged Mr Carswell 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.

4. The decision makers found the charge proven and took the following disciplinary action against Mr Carswell:

**Charge (Rule 83(2)(a), 20 November 2021):** To issue a fine of \$1,000 pursuant to section 59(1)(c) of the Act. To suspend Mr Carswell's registrations for a period of 12-weeks, wholly suspended for a period of 12-months conditional that Mr Carswell does not breach Rule 83(2)(a) or any like Rule.

5. In taking this disciplinary action, the decision makers considered all evidence, including:
  - Greyhound racing penalty precedents in NSW;
  - The length of time Mr Carswell has held a trainer registration, being since 2006, a period of approximately 16 years;
  - Mr Carswell's disciplinary history – noting this was his first breach of the Rules in his association with the greyhound industry;
  - Mr Carswell's plea of guilty at the earliest opportunity; and
  - Mr Carswell's submissions in mitigation of penalty, including his extensive contribution to the industry notably as a volunteer at the Broken Hill Greyhound

Racing Club, his review of and amendments to his animal husbandry practices, and his remorse.

6. In addition, the Greyhound was disqualified from race 1 at the Broken Hill meeting on 20 November 2021 pursuant to Rule 83(4) of the Rules.

.....End.....