



GREYHOUND WELFARE & INTEGRITY COMMISSION
DISCIPLINARY ACTION DECISION

Date of decision:	Monday 17 October 2022
Decision-makers:	Senior Steward Dean Degan, Steward Shannon Kearney, Inspector Joel Santin
Name of relevant person:	Mr Mark Cecil Small
Track:	Casino
Date:	24 July 2022
Rule no.:	141(1)(a)
Charge(s):	Mr Mark Cecil Small presented the greyhound 'Carramar Drive' (" Greyhound ") for the purposes of competing in race 3 at the Casino meeting on 24 July 2022 in circumstances where the Greyhound was not free of any prohibited substance
Prohibited Substance(s):	Theobromine
Disciplinary action taken:	To suspend Mr Small registrations for a period of 8 weeks

INVESTIGATION

Following receipt of a certificate of analysis from Racing Analytical Services Limited dated 23 August 2022, the Commission conducted an investigation into the results of a post-Event urine sample taken from the greyhound, 'Carramar Drive' ("**Greyhound**") at the Casino meeting "**Event**" on 24 July 2022.

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

DECISION:

1. Mr Small is a registered greyhound trainer and the trainer of the Greyhound. The Greyhound competed in race 3 of the Casino meeting on 24 July 2022. After the Event, a urine sample was taken from the Greyhound.
2. The post event swab revealed the presence of Theobromine. Theobromine is a prohibited substance under Rule 137 of the GWIC Greyhound Racing Rules ("**Rules**").

3. On 5 October 2022 Mr Small 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.
4. In the Notice issued on 5 October 2022 the decision makers charged Mr Small with the offence under Rule 141(1)(a) of the Greyhound Racing Rules, which reads:

Rule 141(1), Rules

(1) The owner, trainer or other person in charge of a greyhound:

(a) nominated to compete in an Event;

...

must present the greyhound free of any prohibited substance.

...

(3) The owner, trainer or person in charge of a greyhound presented contrary to subrule (1) of this rule shall be guilty of an offence.

5. The Notice invited Mr Small to attend a hearing to enter a plea and make submissions in relation to the charge and the proposed penalty.
6. On Monday 16 October Mr Small attended the scheduled hearing with the decision makers and
 - entered a plea of guilty
 - made written submissions prior to the hearing that the substance had come from chocolate worming tablets
 - made verbal submissions at the hearing
 - was represented at the hearing and had submissions made on their behalf
7. In considering the matter, the decision makers considered Mr Small’s plea and submissions, as well as all available evidence. The decision makers found the charge proven and took the following disciplinary action against Mr Small:

Charge 141 (1) (a):

To suspend Mr Small registrations for a period of 8 weeks

8. In taking this disciplinary action, the decision makers considered all evidence, including:
 - Greyhound racing penalty precedents in NSW;
 - The length of time Mr. Small has held a registration in the greyhound racing industry, being since September 2021 a period of approximately 13 months.
 - Mr Small had a good record with no prior convictions.

- Mr Small's plea of guilty plea.
 - Other factors considered in mitigation of penalty were:
 - explanation as to the likely source of the positive result;
 - amendments to husbandry practices;
 - involvement in the greyhound industry as an employee with the NCA, as a participant and owner.

8. In addition, the Greyhound was disqualified from race 3 at the Casino meeting on 24 July 2022 pursuant to Rule 141(4) of the Rules.

.....End.....