

DECISION

Presentation of a greyhound other than free of any prohibited substance in breach of rule 83(2) of the GRNSW Greyhound Racing Rules

INQUIRY NUMBER:	16S060
PERSON:	Mr Raymond Webster (Webster) Mr John Antonelli (Antonelli)
GRNSW INQUIRY PANEL MEMBER(S):	Ms Tammy Cootes Mr Grant Carroll Mr Terry Hynes
DATE OF DECISION:	15 December 2017

CHARGES

1. On 26 May 2016 greyhound 'Absolute Gunn' was presented for the purpose of competing in race six at Dapto in circumstances where the Greyhound was not free of any prohibited substance. As a result, the GRNSW Inquiry Panel (**Inquiry Panel**) issued two charges under rule 83(2) as follows:

That you, Raymond Webster, a registered trainer, while in charge of the greyhound 'Absolute Gunn' (**Greyhound**), presented the Greyhound for the purpose of competing in race six at Dapto on 26 May 2016 (**Event**) in circumstances where the Greyhound was not free of any prohibited substance (**Charge One**).

That you, John Antonelli, a registered trainer, while in charge of the greyhound 'Absolute Gunn' (**Greyhound**) presented the Greyhound for the purpose of competing in race six at Dapto on 26 May 2016 (**Event**) in circumstances where the Greyhound was not free of any prohibited substance (**Charge Two**).

2. The prohibited substance in relation to the Charges was caffeine and its metabolites paraxanthine, theobromine and theophylline. This is identified as a category 4 prohibited substance under the GRNSW Penalty System (**Penalty System**).

BACKGROUND

3. On 12 May 2016 Webster wrote to GRNSW for the purpose of notifying GRNSW that:
 - (a) public trainer, Antonelli, was taking care and control of the Greyhound and a second greyhound 'Hugo Boss' between 14 May 2016 and 6 June 2016; and
 - (b) Mr Allan Bonham (**Bonham**) and Mrs Anne Hector (**Hector**), both registered owner trainers, would assist Antonelli in the care and control of the Greyhound.
4. Between 14 May 2016 and 6 June 2016, Antonelli stayed at the property of Webster. In relation to the care of the Greyhound, the arrangement was that Antonelli and Bonham were in charge of the feeding regime of the Greyhound. Evidence provided to the inquiry indicates that Bonham took the Greyhound to compete in the Event and signed the relevant swab sample document.

Who was responsible for the Greyhound on 26 May 2016?

5. To determine the Charges, the Inquiry Panel must consider who was responsible for the Greyhound at the relevant time and the presentation of the Greyhound in accordance with Rule 83(2).
6. Rule 105(6) provides that where a trainer leaves a greyhound trained by that person in the control of another trainer:
 - (a) the trainer must notify GRNSW in writing;
 - (b) the trainer who is to be in control of the greyhound for the period must consent in writing to the arrangement; and
 - (c) GRNSW must approve the arrangement.
7. Importantly, Rule 105(6) does not involve the transfer of a greyhound to another trainer, only the transfer of control of a greyhound for a period.
8. In this case:
 - (a) Webster notified GRNSW in writing that Antonelli was taking care and control of the Greyhound and would be assisted by Bonham and Hector.
 - (b) Antonelli did not consent in writing to the arrangements in accordance with Rule 105(6). However, Antonelli's actions indicate that he consented to the arrangement because he acted in a manner that was consistent with a person taking care and control of the Greyhound. These actions included moving onto the Webster property for the period and feedings the greyhounds with Bonham. Antonelli was also aware that he was the only public trainer caring for the greyhounds.
 - (a) GRNSW approved the arrangement. This approval is inferred from GRNSW taking no action in relation to the notification from Webster. This is because GRNSW only correspondences with the relevant parties where it does not approve the arrangement.
9. In addition, the Inquiry Panel notes that Antonelli submitted that the following factors indicate that he was not in control of the Greyhound:
 - (a) he did not receive a benefit from the Greyhound, such as, prize money;
 - (b) Bonham and Hector were actually in control of the Greyhound. For example, Bonham and/or Hector arranged for the Greyhound to race in the Event with Bonham handling the Greyhound at the Event.
10. However, the Inquiry Panel does not consider these factors as determinative. A trainer who consents to a greyhound being in their care and control for any period should have a level of responsibility during that period.
11. Accordingly, the Inquiry Panel determines that:
 - (a) Webster was the trainer of the Greyhound on 26 May 2016; and
 - (b) Antonelli was in charge of the Greyhound on 26 May 2016.

CHARGE ONE - WEBSTER

12. Webster admitted to the Charge.

Penalty

13. The starting point for the determination of penalty for a category 4 substance under the Penalty System is 24 weeks disqualification.
14. In accordance with the Penalty System, the Inquiry Panel considers that two positive samples from 2012 in relation to nandrolone are an aggravating factor.
15. The Inquiry Panel considers that Webster had passed control of the Greyhound to Antonelli at the time the swab was taken and, as a result, his level of culpability is diminished. However, the Inquiry Panel is of the view that Webster still has ultimate responsibility as the registered trainer of the Greyhound. This is because trainers must be accountable for decisions involving who to entrust with the control of their greyhounds and should not be able to entirely abdicate their responsibilities as the registered trainer.
16. In accordance with the Penalty System, the Inquiry Panel also considers that the following mitigating factors are present:
 - (a) Webster's admission of the Charge at the earliest convenience.
 - (b) The low level of the prohibited substance detected; and
 - (c) The personal factors of the Participant which are not published here for privacy reasons; and
17. The Inquiry Panel determines that the appropriate penalty in the circumstances is a fine of \$2,000.

CHARGE ONE - ANTONELLI

18. Antonelli denied the charge.

Decision in relation to whether Antonelli breached the Rules

19. The Inquiry Panel is comfortably satisfied on the evidence before the Inquiry Panel that:
 - (a) Following to the Event, a urine sample was taken from the Greyhound and allocated the number V382788 (**Sample**);
 - (b) The Sample was analysed by Racing Analytical Services Limited (**Laboratory**), an accredited laboratory under the Rules;
 - (c) The Laboratory provided a certificate signed by David Batty, accredited laboratory officer, confirming the presence of caffeine and its metabolites paraxanthine, theobromine and theophylline in the Sample;
 - (d) The Sample was analysed by Australian Racing Forensic Laboratory (**Confirmatory Laboratory**), an accredited laboratory under the GRNSW Greyhound Racing Rules;
 - (e) The Confirmatory Laboratory provided a certificate signed by John Keledjian, an accredited laboratory officer, confirming the presence of caffeine and its metabolites paraxanthine, theobromine and theophylline in the Sample; and
 - (f) Caffeine and its metabolites paraxanthine, theobromine and theophylline are prohibited substances under the Rules.
20. The primary issue is whether Antonelli was in charge of the Greyhound for the purposes of Rule 83(2)(a). The Inquiry Panel is satisfied that Antonelli was in charge of the Greyhound for the reasons provided in paragraphs 8 and 11.
21. The Inquiry Panel also notes that, although the source of the prohibited substance cannot be specifically determined, the Inquiry Panel does not need to concern itself with the how, where or when a prohibited substance came to be present in a greyhound's system.

22. Following consideration of all the evidence before the Inquiry Panel, the Inquiry Panel finds that Antonelli has breached the Rules as being the person in charge of the Greyhound.

Penalty

23. The starting point for the determination of penalty for a category 4 substance under the Penalty System is 24 weeks disqualification.
24. In accordance with the Penalty System, the Inquiry Panel considers that there are no aggravating factors present.
25. In accordance with the Penalty System, the Inquiry Panel considers that the following mitigating factors are present:
 - (a) The Participant's licence history having been licensed since 1963 with no previous positive swabs;
 - (b) Antonelli's culpability in relation to the circumstances around the detection of the prohibited substance;
 - (c) The low level of the prohibited substance detected; and
 - (d) The personal factors of the Participant which are not published here for privacy reasons.
26. Having regard to the totality of the facts, the Inquiry Panel determines that a period of suspension of 12 weeks is the appropriate penalty in the circumstances. The period of suspension is to be wholly suspended on the condition that Antonelli does not breach a similar rule in the next 12 months.
27. As the Greyhound was presented for the Race contrary to Rule 83(2), the Inquiry Panel also determines to disqualify the Greyhound from the Race pursuant to Rule 83(4).

Grant Carroll
Senior Inquiry Steward
GRNSW Inquiry Panel