

DECISION IN RELATION TO PENALTY

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: 18S003 & 18S008
PERSON: Mr Steven Kemp (**Participant**)
REGISTRATION: Trainer
GRNSW INQUIRY Mr Grant Carroll
PANEL MEMBER(S):
DATE OF DECISION: 16 April 2018

CHARGE

1. On 22 March 2018 the GRNSW Inquiry Panel (**Inquiry Panel**) charged the Participant under rule 83(2) as follows:

That you, Steven Kemp, a registered trainer, while in charge of the greyhound 'Senorita Kerry' (**Greyhound**), presented the Greyhound for the purpose of competing in Race 11 at The Gardens on 8 December 2017 (**Event**) in circumstances where the Greyhound was not free of any prohibited substance (**Charge 1**).

That you, Steven Kemp, a registered trainer, while in charge of the greyhound 'Random Monkey' (**Greyhound**), presented the Greyhound for the purpose of competing in Race eight at the Dapto on 21 December 2017 (**Event**) in circumstances where the Greyhound was not free of any prohibited substance (**Charge 2**).

Together the Charges.

2. The prohibited substance on each occasion was arsenic. This is identified as a category 5 prohibited substance under the GRNSW Penalty System (**Penalty System**).

ADMISSION

3. The Participant, by letter, admitted to the Charges.

PENALTY

4. The starting point for the determination of penalty for a category 5 substance under the Penalty System is 12 weeks disqualification.
5. In accordance with the Penalty System, the Inquiry Panel considers the high level of the prohibited substance detected in each swab to be an aggravating factor.
6. In accordance with the Penalty System, the Inquiry Panel considers that the following mitigating factors are present:
 - (a) The Participant's early admission to the Charge; and
 - (b) The Participant's licence history having been licensed since 2014 with no prior positive swabs.

7. Having regard to the totality of the facts, the Inquiry Panel determines that a fine of \$1,000 is the appropriate penalty in relation to each Charge in the circumstances.
8. The Inquiry Panel determines that the penalties in relation to each Charge be served concurrently as confirmation of the prohibited substance found in relation to Charge 1 was not given prior to notification of Charge 2. As a result, the total fine payable is \$1,000.
9. 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

Tammy Cootes:
Internal review by:
Manager Integrity and Inquiries