

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: 18S042
PERSON: Mr Allan King (**Participant**)
REGISTRATION: Trainer

**GRNSW INQUIRY
PANEL MEMBER(S):** Mr Grant Carroll
DATE OF DECISION: 11 May 2018

CHARGE

1. On 10 May 2018 the GRNSW Inquiry Panel (**Inquiry Panel**) charged the Participant under rule 83(2) as follows:

That you, Allan King, a registered trainer, while in charge of the greyhound 'Cheeky Fireball' (**Greyhound**), presented the Greyhound for the purpose of competing in Race five at Richmond on 14 February 2018 (**Event**) in circumstances where the Greyhound was not free of any prohibited substance (**Charge**).

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

ADMISSION

3. The Participant, by letter, admitted to the Charge and provided mitigating factors for the Inquiry Panel to consider in relation to penalty.

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 that there are no aggravating factors present.
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 has reviewed and amended his greyhound operating procedures to ensure that no similar breaches occur in the future.
7. The Participant provided an explanation of factors that led to the positive swab including:
 - (a) the supplements provided to the Greyhound, including seaweed meal; and
 - (b) the Participant not being aware of the Rules at the time of the sample being taken.

8. The Inquiry Panel considers that ultimately the responsibility rests with the trainer to inform himself, as a responsible trainer should, of the Rules and what he provides to the Greyhound to ensure that he presents the greyhound free of any prohibited substance. The Inquiry Panel notes that:
 - (a) GRNSW issued a number of articles containing information on the threshold including '*Arsenic Threshold to be Introduced into GA Rules*' on 16 December 2015 and '*New National Rules for Substance Thresholds*' on 24 June 2016;
 - (b) GRNSW's website provides a dedicated section to arsenic with the following fact sheet titled, '*Fact Sheet – Arsenic Threshold*', which advises that some seaweed based nutritional supplements have been found to have high concentrations of arsenic and care should be taken when providing these supplements close to race day; and
 - (c) The threshold with regard to the prohibited substance arsenic was introduced into the Rules on 1 July 2016.
9. The Inquiry Panel considers the Participant's licence history, including the prior detection of a prohibited substance (arsenic) from a sample taken at the Richmond meeting on 10 January 2018 and the subsequent decision in relation to that inquiry on 5 April 2018.
10. Having regard to the totality of the facts, the Inquiry Panel determines that a period of suspension of six weeks is the appropriate penalty in the circumstances.
11. The Inquiry Panel determines that the penalty issued in relation to this inquiry decision is to be held concurrently with the penalty issued on 5 April 2018. This is due to confirmation of the prohibited substance detected in inquiry 18S022 not occurring prior to notification of the prohibited substance in this inquiry. As a result, the suspension imposed is to have commenced on 5 April 2018 and conclude on 16 May 2018.
12. 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
Chief Steward
GRNSW Inquiry Panel

Tammy Cootes:
Internal review by:
Manager Integrity and Inquiries