

PENALTY DECISION



INQUIRY NUMBER:	18S053
PARTICIPANTS:	Chrystal Hensing
PANEL MEMBER(S):	Mr Paul Marks (GRNSW appointed Steward)
DATE OF DECISION:	25 October 2021

Introduction

1. This Inquiry is chaired by myself as a steward appointed under the GRNSW Greyhound Racing Rules (**Rules**).
2. This decision concerns Chrystal Hensing, who has been charged with a breach of Rule 83(2)(a), namely that she was the registered trainer of the registered greyhound, New Belief (**Greyhound**) on 19 February 2018 when it was nominated to compete in an Event and then presented with a detected prohibited substance, being bethanidine.

Rules

3. Rule 83(2)(a) relevantly provided:
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

Plea

4. On or around 3 September 2021, Ms Hensing (through her legal representative) entered a plea of **guilty** in relation to breaching the above Rule as set out in a Notification of Charge issued to Ms Hensing and dated 6 August 2021.

Evidence

5. As Ms Hensing has entered a plea of guilty to the breach of Rule 83(2)(a), it is unnecessary to detail the evidence supporting a finding of guilt, however I do note that:
 - a) Ms Hensing was the registered trainer of the greyhound 'New Belief' (Greyhound) on 19 February 2018;
 - b) The Greyhound was nominated to compete in an event;
 - c) A urine sample was taken from the Greyhound and analysed by Racing Analytical Services, an accredited laboratory under the Rules confirms the presence of bethanidine in the sample, in circumstances where bethanidine is a prohibited substance under the Rules; and
 - d) Dr Steven Karamatic, Chief Veterinarian at Greyhound Racing Victoria, provided two expert reports dated 29 July 2018 and 16 September 2021 which detailed the following:
 - i. Bethanidine meets the criteria for a "prohibited substance".
 - ii. Category 4 of the Greyhound Racing NSW's Penalty Guidelines includes "all other substances that have the ability to improve or impact racetrack performance and which

have not been included in Category 1, 2, 3 and 5. Bethanidine would not be expected to improve performance, however it is capable of impacting performance, and more likely in a negative way.

- iii. There were no products found during the kennel inspection conducted on 1 May 2018 by GRNSW that would be expected to contain bethanidine.
 - iv. Bethanidine is an antihypertensive agent acting on the sympathetic nervous system to reduce blood pressure with effects lasting for approximately 12 hours. Hypotension (low blood pressure) can cause symptoms such as weakness or fatigue and dizziness or fainting / collapse.
6. In light of Dr Karamatic's evidence I have determined that Bethanidine, at least for the purposes of this inquiry, should be placed in, and treated as, a Category 4 prohibited substance under the Greyhound Racing NSW's Penalty Guidelines.

Penalty

7. I now turn to consideration of an appropriate penalty to impose against Ms Hensing for her breach of the Rules.
8. By Rule 92(4), I am required to have regard to the following matters in reaching a decision as to penalty:
- (a) the character and antecedents of the person charged;
 - (b) the nature of the breach and the circumstances in which it was committed, in particular, the seriousness of the breach and any negligence, recklessness or indifference of the person charged;
 - (c) whether the person has denied or admitted the charge.
9. At the time of this offending Ms Hensing had no prior antecedents with regards to breaching the Rules.
10. Ms Hensing, in her written submissions dated 1 October 2021, indicated that:
- i. There are no aggravating factors that ought to be taken into account;
 - ii. There are no allegations of suspicious behaviour on the part of Ms Hensing (including that Hensing administered the Prohibited Substance to New Belief or was otherwise involved in its administration);
 - iii. The Prohibited Substance is a Category 4 Prohibited Substance, being the second least serious category;
 - iv. Ms Hensing is a single mother with two children;
 - v. Her partner unexpectedly passed away in 2020;
 - vi. She is now solely responsible for training all of the greyhounds (including her late partner's greyhounds);
 - vii. She has general financial burdens – for example, Ms Hensing's late partner's estate was only recently finalised, meaning she was prevented from racing and earning an income from his greyhounds until recently; and she incurred significant costs in resolving her late partner's estate;
 - viii. Greyhound breeding and training is Hensing's sole source of income for which she provides for herself and her two children; and
 - ix. Ms Hensing has been on notice of the offending conduct for a period of three (3) years and six (6) months – the delay in charging Ms Hensing was unreasonable and not attributable to her, causing her anxiety and stress, that is punishment in itself.
11. In all of the circumstances, Ms Hensing submits that exceptional circumstances apply including significant mitigating factors, which warrant a substantial reduction of penalty.

12. I take all of the above submissions on behalf of Ms Hensing into account.
13. In accordance with the Greyhound Racing NSW's Penalty Guidelines, the starting point for penalty in relation to a Category 4 prohibited substance is a disqualification of 24 weeks.
14. I find that no aggravating factors exist in this matter warranting an increase from 24 weeks.
15. I note that on 11 August 2021, Ms Hensing was found guilty and penalised by GWIC in relation to four (4) charges pursuant to breaches of Rule 83(2)(a) of the Rules. Those offences occurred in 2021, being more than 3 years after the offence in which this inquiry relates.
16. Given that the subject offence of this inquiry predates the penalty currently imposed against Ms Hensing by GWIC, I do not find this other offending to be an aggravating factor to be taken into account in this inquiry. However, I do find that any penalty imposed in relation to this inquiry should commence following the completion of the suspension periods imposed by GWIC against Ms Hensing in its decision dated 11 August 2021.
17. Ms Hensing has pleaded guilty at an early opportunity, and shall receive the full discount of 6 weeks (25%) for that early plea of guilty.
18. Having regard to the matters raised by Ms Hensing in her written submissions, I find that several mitigating factors exist that warrant a further reduction of 6 weeks.
19. Having regard to all of the above matters, I consider that a total period of suspension of 12 weeks is the appropriate penalty in the circumstances.
20. This period is to commence from the date in which the suspension currently being served by Ms Hensing in relation to the decision of GWIC dated 11 August 2021 ceases. Accordingly, Ms Hensing's suspension will commence midnight 13 November 2021 and cease at 11.59pm on 5 February 2022.



Mr Paul Marks

Steward