



GREYHOUND WELFARE & INTEGRITY COMMISSION

DISCIPLINARY ACTION DECISION

Date of decision: 2 October 2019

Decision-maker: Chief Executive Officer, Judith Lind

Name of relevant person: Mr Michael Jenner

Track: Maitland

Date: 7 February 2019

Rule no.: Rule 83(2)(a)

Charge(s): (1) Mr Jenner presented the greyhound 'Shady Max' ("**Greyhound**") for the purposes of competing in race 5 at the Maitland meeting on 7 February 2019 in circumstances where the Greyhound was not free of any prohibited substance.

Prohibited substance(s): Arsenic

Disciplinary action taken: Fine: \$2,000; and
9-week suspension wholly suspended (conditionally)

REPORT:

Following receipt of a certificate of analysis from the Racing Analytical Services Laboratory, the Commission conducted an investigation into the results of a post-race urine sample taken from the greyhound, 'Shady Max' ("**Greyhound**") at the Maitland meeting on 7 February 2019.

Further analysis of the sample was conducted by the Racing Chemistry Laboratory, confirming the presence of arsenic at a mass concentration of greater than 1,600 nanograms per millilitre.

After considering the evidence, the Commission charged Mr Jenner with a breach of Rule 83(2)(a) of the Commission's Greyhound Racing Rules ("**Rules**") given that the post-race urine sample taken from the Greyhound confirmed the presence of the prohibited substance arsenic above the threshold imposed by Rule 83(11) of 800 nanograms per millilitre.

Mr Jenner admitted the charge at the earliest opportunity.

The disciplinary action was conducted in writing in accordance with the participant's election.

DECISION:

1. Mr Jenner is a registered greyhound trainer and the trainer of the Greyhound. The Greyhound was presented for race 5 at the Maitland meeting on 7 February 2019 (“Event”). Following the Event, as the Greyhound placed first, a urine sample was taken from the Greyhound.
2. The post-Event swab revealed the presence of arsenic at a mass concentration of greater than 1,600 nanograms per millilitre. Arsenic, at a mass concentration greater than 800 nanograms per millilitre is a prohibited substance under Rule 83(11) of the GWIC Greyhound Racing Rules and category 5 prohibited substances under the NSW greyhound racing penalty guidelines.
3. The Commission charged Mr Jenner under Rule 83(2)(a), which reads:
 - (2) The owner, trainer or person in charge of a greyhound-
 - (a) nominated to compete in an Event;
 - (b) presented for a satisfactory, weight or whelping trial or such other trial as provided for pursuant to these Rules; or
 - (c) presented for any test or examination for the purpose of a period of incapacitation or prohibition being varied or revokedshall present the greyhound free of any prohibited substance.
4. Mr Jenner admitted the charge, provided written submissions and elected to have the disciplinary proceeding conducted in writing.
5. The Commission found the charge proven and took the following disciplinary action against Mr Jenner:

To impose a fine in the sum of \$2,000; and

To suspend his trainer registration held with GWIC for a period of 9 weeks, wholly suspended for 12 months on the condition that, within that 12 month period, Mr Jenner does not breach Rule 83(2) of the GWIC Greyhound Racing Rules.
6. In taking this disciplinary action, the Commission considered all evidence, including:
 - Mr Jenner has been a registered trainer for over 30 years;
 - Mr Jenner has no history of any prohibited substance matters;
 - NSW greyhound racing penalty guidelines and precedents;
 - Mr Jenner’s admission of the charge at the earliest opportunity;
 - Mr Jenner’s written submissions in mitigation of penalty, including in relation to his good character and personal and financial circumstances.
7. In addition, the Greyhound was disqualified from race 5 at the Maitland meeting on 7 February 2019 pursuant to Rule 83(4).

.....End.....