

DECISION IN RELATION TO PENALTY

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

INQUIRY NUMBER:	18S004
PERSON:	Mr Andrew Mulrine (Participant)
REGISTRATION:	Trainer
GWIC INQUIRY PANEL MEMBER(S):	Grant Carroll (Chief Steward)
DATE OF DECISION:	27 September 2018

CHARGE

1. On 6 September 2018 the Chief Steward charged the Participant under rule 83(2) as follows:
That you, Andrew Mulrine, a registered trainer, while in charge of the greyhound 'Keysile' (**Greyhound**), presented the Greyhound for the purpose of competing in Race 4 at Richmond on 22 June 2018 (**Event**) in circumstances where the Greyhound was not free of any prohibited substance (**Charge**).
2. The prohibited substances were caffeine and its metabolites theophylline, paraxanthine and theobromine.

ADMISSION

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

PENALTY

4. The starting point for the determination of penalty in relation to the presentation of a greyhound with caffeine and its metabolites detected in its system is 24 weeks disqualification. This is based on prior greyhound racing penalties involving substances that have the ability to improve or impact racetrack performance that are not categorised as a stopper, permanently banned prohibited substance, steroid or substances that have been registered with a therapeutic benefit in Australia for veterinary or human use.
5. The Chief Steward considers the Participant's licence history, including:
 - (a) The detection of the same prohibited substances (being caffeine and its metabolites) in a sample taken at the Wentworth Park meeting on 19 May 2018 and the related decision of the GRNSW Inquiry Panel dated 14 August 2018 (**GRNSW Inquiry 18S069**).
 - (b) The detections of the prohibited substance heptaminol in 2002 and 2006. In considering these two positive samples, the Chief Steward follows the guidance of the Racing Appeals Tribunal that there is no aggravation of a penalty for prior offences dated beyond 10 years. However, the Participant cannot be dealt with in the same way as a person who has an entirely clean history.
6. The Chief Steward considers that the following mitigating factors are present:
 - (a) The Participant's early admission to the Charge;
 - (b) The Participant's review and amendment of his greyhound operating procedures to ensure that no similar breaches occur in the future; and
 - (c) The Participant's involvement in the greyhound racing community since 1983 as detailed in the Participant's submissions.
7. The Chief Steward considers the Participant's submissions to the GRNSW Inquiry Panel in relation to GRNSW Inquiry 18S069 are applicable to this inquiry including:
 - (a) Submissions about the reason for the detection of the prohibited substance. The Chief Steward notes that, while it is not for the Chief Steward to determine how, when, why or by what route the prohibited substance came to be present in the Greyhound, the Chief Steward accepts that the presentation of the Greyhound not free of a prohibited substance may have been the result of a husbandry failure.

- (b) Submission regarding personal and financial hardship suffered as a consequence of the breach of the Rules and related penalty. However, the Chief Steward considers that, where any penalty is imposed, a level of hardship will naturally flow.
8. Having regard to the totality of the facts:
- (a) The Chief Steward determines that a period of suspension of 12 weeks is the appropriate penalty in the circumstances.
- (b) The Chief Steward determines that the penalty issued in relation to this inquiry decision is to be held concurrently with the penalty issued in relation to GRNSW Inquiry 18S069 on 14 August 2018. This is because the confirmation of the prohibited substance detected in GRNSW Inquiry 18S069 was not received prior to notification of the prohibited substance in this inquiry. As a result, the suspension is to have commenced on 14 August 2018.
9. As the Greyhound was presented for the Race contrary to Rule 83(2), the Chief Steward also determines to disqualify the Greyhound from the Race pursuant to Rule 83(4).

Grant Carroll
Chief Steward
Greyhound Welfare & Integrity Commission