

GREYHOUND WELFARE & INTEGRITY COMMISSION

DISCIPLINARY ACTION DECISION

Date of decision:	25 July 2019
Decision-maker:	A/Chief Executive Officer, Matthew Tutt
Name of relevant person:	Mr Charlie Micallef
Track:	Wentworth Park
Date:	8 December 2018
Rule no.:	Rule 83(2)(a)
Charge(s):	(1) Mr Micallef presented the greyhound 'Mount Oxley' (" Greyhound ") for the purposes of competing in race 9 at the Wentworth Park meeting on 8 December 2018 in circumstances where the Greyhound was not free of any prohibited substance.
Prohibited substance(s):	Caffeine and its metabolites theophylline, paraxanthine and theobromine
Disciplinary action taken:	10-week suspension; deferred commencement to 30 July 2019 under Rule 95(5)

REPORT:

Following receipt of a certificate of analysis from the Racing Analytical Services Laboratory, the Commission conducted an investigation into the results of a pre-race urine sample taken from the greyhound, 'Mount Oxley' ("**Greyhound**") at the Wentworth Park meeting on 8 December 2018.

Further analysis of the sample was conducted by the Australian Racing Forensic Laboratory, confirming the presence of caffeine and its metabolites theophylline, paraxanthine and theobromine.

After considering the evidence, the Commission charged Mr Micallef with a breach of Rule 83(2)(a) of the Commission's Greyhound Racing Rules ("**Rules**") given that the pre-race urine sample taken from the Greyhound confirmed the presence of prohibited substance, caffeine and its metabolites theophylline, paraxanthine and theobromine.

Mr Micallef admitted the charge at the earliest opportunity.

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

DECISION:

1. Mr Micallef is a registered greyhound trainer and the trainer of the Greyhound. The Greyhound competed in race 9 at the Wentworth Park meeting on 8 December 2018 (“Event”) and a pre-Event urine sample was taken from the Greyhound.
2. The pre-Event swab revealed the presence of caffeine and its metabolites theophylline, paraxanthine and theobromine. Caffeine and its metabolites theophylline, paraxanthine and theobromine are prohibited substances under GAR 1 of the GWIC Greyhound Racing Rules and category 4 prohibited substances under the NSW greyhound racing penalty guidelines.

3. The Commission charged Mr Micallef 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 revoked

shall present the greyhound free of any prohibited substance.

4. Mr Micallef admitted the charge at the earliest opportunity, 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 Micallef:

To suspend his trainer registration for a period of 10 weeks.

6. In taking this disciplinary action, the Commission considered all evidence, including:
 - Mr Micallef has been a registered trainer for approximately 16 years;
 - Mr Micallef has no history of any prohibited substance matters;
 - NSW greyhound racing penalty guidelines and precedents;
 - Mr Micallef’s admission at the earliest opportunity;
 - Mr Micallef’s written submissions in mitigation of penalty, including remorse for his actions and in relation to his animal husbandry practices, which have been reviewed and amended.

7. In addition, the Greyhound was disqualified from race 9 at the Wentworth Park meeting on 8 December 2018 pursuant to GAR 83(4), which reads:

(4) A greyhound presented for an Event pursuant to sub-rules (1) or (2) shall be disqualified from the Event or any benefit derived from a trial or test.

.....End.....