

GREYHOUND WELFARE & INTEGRITY COMMISSION
DISCIPLINARY ACTION DECISION

Date of decision:	31 January 2020
Decision-maker:	Chief Executive Officer, Judith Lind
Name of relevant person:	Mr Rodney Newell
Track:	Richmond, Potts Park, Goulburn
Date:	20 February 2019, 20 April 2019, 27 June 2019
Rule no.:	Rule 83(2)(a) x 3
Charge(s):	<p>(1) Mr Newell presented the greyhound 'Bluestone Sophie' ("Greyhound") for the purposes of competing in race 4 at the Richmond meeting on 20 February 2019 in circumstances where the Greyhound was not free of any prohibited substance;</p> <p>(2) Mr Newell presented the greyhound 'Bluestone Sophie' ("Greyhound") for the purposes of competing in race 8 at the Potts Park meeting on 20 April 2019 in circumstances where the Greyhound was not free of any prohibited substance;</p> <p>(3) Mr Newell presented the Greyhound for the purposes of competing in race 8 at the Goulburn meeting on 27 June 2019 in circumstances where the Greyhound was not free of any prohibited substance.</p>
Prohibited substance(s):	Caffeine and its metabolites theophylline, paraxanthine and theobromine; Cobalt
Disciplinary action taken:	Suspension periods served concurrently Charge 1 (Rule 83(2)(a)): 14-week suspension Charge 2 (Rule 83(2)(a)): 14-week suspension Charge 3 (Rule 83(2)(a)): 18-week suspension

REPORT:

First Charge

Following receipt of a certificate of analysis from the Racing Analytical Services Laboratory ("**Laboratory**"), the Commission conducted an investigation into the results of a pre-race urine sample taken from the greyhound, 'Bluestone Sophie' ("**Greyhound**") at the Richmond meeting on 20 February 2019.

Further analysis of the sample was conducted by the Australian Racing Forensic Laboratory (“**Confirmatory Laboratory**”), confirming the presence of caffeine and its metabolites theophylline, paraxanthine and theobromine.

After considering the evidence, the Commission charged Mr Newell 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.

Second Charge

Following receipt of a certificate of analysis from the Laboratory, the Commission conducted an investigation into the results of a post-race urine sample taken from the Greyhound, at the Potts Park meeting on 20 April 2019.

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

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

Third Charge

Following receipt of a certificate of analysis from the Laboratory, the Commission conducted an investigation into the results of a pre-race urine sample taken from the Greyhound, at the Goulburn meeting on 27 June 2019.

Further analysis of the sample was conducted by the Confirmatory Laboratory, confirming the presence of cobalt at a level higher than the threshold of 100ng/ml.

After considering the evidence, the Commission charged Mr Newell with a breach of Rule 83(2)(a) of the Rules given that the pre-race urine sample taken from the Greyhound confirmed the presence of prohibited substance cobalt at a level higher than the threshold of 100ng/ml.

Mr Newell admitted charges 1 and 3, but denied charge 2.

The disciplinary action for all three charges was conducted in writing in accordance with the participant’s election.

DECISION:

1. Mr Newell is a registered greyhound trainer and the trainer of the Greyhound. The Greyhound competed in race 4 at the Richmond meeting on 20 February 2019 (“**First Event**”). Before the first Event, a urine sample was taken from the Greyhound.

2. The pre-Event swab revealed the presence of caffeine and its metabolites theophylline, paraxanthine and theobromine. The substances caffeine and its metabolites theophylline, paraxanthine and theobromine are prohibited substances under Rule 1 of the Rules.
3. The Greyhound also competed in race 8 at the Potts Park meeting on 20 April 2019 (“**Second Event**”) and a post-Event urine sample was taken from the Greyhound.
4. The post-Event swab revealed the presence of caffeine and its metabolites theophylline, paraxanthine and theobromine.
5. The Greyhound also competed in race 8 at the Goulburn meeting on 27 June 2019 (“**Third Event**”) and a post-Event urine sample was taken from the Greyhound.
6. The post-Event swab revealed the presence of cobalt at a level higher than the threshold of 100ng/ml.
7. The Commission charged Mr Newell under Rule 83(2)(a) for each offence, 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.
8. Mr Newell admitted charges 1 and 3, but denied charge 2. He provided written submissions and elected to have the disciplinary proceeding conducted in writing.
9. The Commission found all three of the charges proven and took the following disciplinary action against Mr Newell:

Charge 1 (Rule 83(2)(a)):	To suspend his trainer registration for a period of 14 weeks;
Charge 2 (Rule 83(2)(a)):	To suspend his trainer registration for a period of 14 weeks;
Charge 3 (Rule 83(2)(a)):	To suspend his trainer registration for a period of 18 weeks,

with the periods of suspension to be served concurrently.
10. In taking this disciplinary action, the Commission considered all evidence, including:
 - Mr Newell has been a registered participant in the industry for a period of approximately 2 years;

- Mr Newell has no prior history of prohibited substance offences;
- NSW greyhound racing penalty guidelines and precedents;
- Mr Newell did not have an opportunity to review and amend his animal husbandry practices between after the first positive and prior to the second positive due to the timing of the notification of the first positive;
- Mr Newell's written submissions in mitigation of the penalty, including in relation to his animal husbandry practices and his personal and financial circumstances.

11. In addition, the Greyhound was disqualified from race 4 at the Richmond meeting on 20 February 2019, from race 8 at the Potts Park meeting on 20 April 2019 and also from race 8 at the Goulburn meeting on 27 June 2019 pursuant to Rule 83(4).

.....End.....