



GREYHOUND WELFARE & INTEGRITY COMMISSION
DISCIPLINARY ACTION DECISION

Date of decision: Tuesday 26 March 2024
Decision-maker: Senior Steward Dean Degan and Steward Craig Easey
Name of relevant person: Michael Holgate
Track: Dubbo
Date: 13 November 2023
Rule no.: 141(1)(a)
Charge(s):

Charge 1 - Rule 141(1)(a)

Mr Michael Holgate presented the greyhound 'Awake Until Dawn' for the purposes of competing in race 5 at the Dubbo meeting on 13 November 2023 in circumstances where the Greyhound was not free of any prohibited substance.

Prohibited Substance(s): 5 β Androstane-3 α , 17 β -Diol

Plea: Charge 1 – Not Guilty

Disciplinary action taken: Charge 1 – To impose a 12-month disqualification, to commence 26 March 2024 and expire 26 March 2025.

INVESTIGATION

Following receipt of a certificate of analysis from Racing Analytical Services Limited dated 18 December 2023, the Commission investigated the results of a post-race urine sample taken from the greyhound, "Awake Until Dawn" at the Dubbo meeting on 13 November 2023.

Further analysis of the sample was conducted by the Racing Chemistry Laboratory confirming the presence 5 β Androstane-3 α , 17 β -Diol.

DECISION:

1. Mr. Holgate is a registered Owner Trainer and the trainer of “Awake Until Dawn” (“the Greyhound”). The Greyhound competed in race 5 at the Dubbo meeting on 13 November 2023. Following the Event, a urine sample was taken from the Greyhound.
2. The post-race swab revealed the presence of 5 β Androstane-3 α , 17 β -Diol.
3. 5 β Androstane-3 α , 17 β -Diol at a mass concentration greater than 10ng/mL is a permanently banned prohibited substance under Rule 139(1)(t).
4. On 20 March 2024 Mr Holgate was issued with a notice of charge (“**Notice**”)
5. In the Notice issued on 20 March 2024 the decision makers charged Mr Holgate with a breach of the following Greyhound Racing Rule:

Rule 141(1), Rules

(1) The owner, trainer or other person in charge of a greyhound:

(a) nominated to compete in an Event;

...

must present the greyhound free of any prohibited substance.

...

(3) The owner, trainer or person in charge of a greyhound presented contrary to subrule (1) of this rule shall be guilty of an offence.

6. The Notice invited Mr Holgate to attend a hearing to be held on Tuesday 26 March 2024 to enter a plea and make submissions in relation to the charge.
7. On Tuesday 26 March 2024, Mr Holgate attended a hearing held via Microsoft Teams and;
 - Entered a plea of not guilty; and
 - Provided verbal submissions
8. In determining the matter, the decision makers considered Mr Holgate’s plea and submissions, as well as all available evidence. The decision makers found the charge proven and issued the below penalty;

Charge 1 – To impose a 12-month disqualification, to commence 26 March 2024 and expire 26 March 2025.

9. In taking this disciplinary action, the decision makers considered all evidence, including:

- Mr Holgate’s not guilty plea
- The length of time Mr. Holgate has held a registration, a period of approximately 22 years. This factor was considered at first instance by the decision makers, and they determined to propose a starting point penalty lesser than that of the usual penalty outlined in the Commission’s Penalty Guidelines of a 2-year disqualification, in recognition of this extended period in the industry;
- Mr. Holgate’s disciplinary history, noting he has no prior breaches of any like rule;
- No explanation was established for the detection of the permanently banned prohibited substance
- Previous decisions made by GWIC relating to these permanently banned prohibited substances.

10. In addition, the Greyhound was disqualified from race 5 at the Dubbo meeting on 13 November 2023 pursuant to Rule 141(4) of the Rules.

.....End.....