

RECORD OF INQUIRY

This is a summary of the inquiry for general information purposes only. The Stewards' decision is as handed down and recorded during the inquiry.

INQUIRY NUMBER: 16S122
PARTICIPANT: Jeanette Foley (**Participant**)
PANEL MEMBER(S): Stephen Dodd, Steward
Tammy Cootes, Steward
DATE OF INQUIRY: 7 March 2017

1. The Stewards inquiry related to the following charge under rule 83(2) of the GRNSW Greyhound Racing Rules (**Rules**):

That you, Jeanette Foley, a registered trainer, while in charge of the greyhound 'Queen Taro' presented the Greyhound for the purpose of competing in Race one at Wentworth Park on 9 November 2016 in circumstances where the Greyhound was not free of any prohibited substance.
2. The prohibited substances detected were amphetamine and benzoylecgonine. The starting point for the determination of penalty for category 2 substances under the Penalty System is 156 weeks disqualification.
3. The Participant appeared before the inquiry together with her legal representative, Mr Glenn Walters, and entered an early guilty plea to the Charge.
4. The Stewards enquired into the circumstance surrounding the presence of the prohibited substances in the Greyhound for the purpose of assisting the Stewards to determine penalty. The Stewards concluded that:
 - (a) There was no evidence before the inquiry that indicated how the prohibited substances came to be present in the Greyhound.
 - (b) The presence of the prohibited substances was likely the result of inadvertent contamination during the transportation of the Greyhound from the Greyhound's kennels to the Wentworth Park race meeting. This transportation took approximately eight hours.
 - (c) The Greyhound was handled by Daniel Foley during the transportation of the Greyhound and the Participant was not present.
5. In accordance with the Penalty System, the Stewards considered that there were no aggravating factors of concern to the Stewards including no suspicious betting activity.
6. In accordance with the Penalty System, the Stewards considered the mitigating factors present including:
 - (a) The Participant's early guilty plea.
 - (b) The low level of the substances detected.
 - (c) The Participant's licence and swabbing history since 1994 with no previous breaches in relation to prohibited substances.
 - (d) The Participant's involvement in the industry as a hobby trainer.

(e) The Participant's personal and financial circumstances, which are not repeated here for privacy reasons.

7. The Stewards considered parity including submissions from the Participant. While parity is an important guiding principle, each case must be dealt with on its own facts and circumstances. In particular, the Stewards considered that the previous GRNSW inquiry decisions of Darryn Melvaine (2 October 2013), Jim Magnisalis (8 April 2014) and Carol Howard (19 May 2014).
8. The Stewards considered that the decision of most relevance from these was the decision of Howard. This inquiry also involved circumstances where the Stewards could not determine how amphetamine came to be present in the greyhound at the low level detected. The participant entered a guilty plea, had been in the industry for 18 years with no penalty history and had a reasonably high number of cleared samples.
9. The Stewards also noted the Participant's submissions in relation to the Racing NSW inquiry and appeal decisions of Gai Waterhouse and Chris Waller. However, the Stewards consider parity decisions from GRNSW to be of greater assistance in determining penalty.

Penalty

10. The Stewards considered the detection of category 2 substances is a very serious issue.
11. Having regard to the totality of the facts, the Stewards determined that:
 - (a) disqualification is the only appropriate penalty in this matter;
 - (b) a period of disqualification of 12 months is appropriate with six months of the disqualification to be suspended on the condition that the Participant does not breach the prohibited substance rules for a period of 12 months;
 - (c) the disqualification period commenced on the date that GRNSW determined to suspend the Participant's licence (being 14 February 2017); and
 - (d) the Greyhound was disqualified from the relevant event with the places amended accordingly pursuant to Rule 83(4).
12. The Stewards further determined that special circumstances existed in relation to Rule 99(3)(g) and directed that the Participant be permitted to enter or go or remain on the Participant's current property as registered in OzChase provided that the Participant adheres to all other provisions of Rule 99 including that the Participant must not train a greyhound.
13. The Participant was advised of her appeal rights.



Stephen Dodd
Steward
Greyhound Racing New South Wales



Tammy Cootes:
Steward
Greyhound Racing New South Wales