

17 October 2019

NOTICE OF INTEGRITY HEARING PANEL RESULT – Mrs. Kathleen Johnstone

PANEL: Mr. T. McGrath (Chair), Ms. T. Johnston, Mr. G. Loch



Reasons for decision – authorised for public dissemination.

On 17th October 2019 Mrs Johnstone has appeared before the inaugural hearing of the Integrity Hearings Panel (IHP) in relation to matters precipitated from the participation of a dog Dynamic Lee at Gawler Greyhound Racing Club at Gawler on 1 March 2019.

Following Dynamic Lee winning that event, a urine sample taken. That urine sample subsequently proved positive for a prohibited substance, Tenoxicam.

Tenoxicam is a substance that is not available for animal or human use in Australia. The Panel has noted that it is a substance that may be categorised as a non-steroidal anti-inflammatory substance.

Mrs Johnstone gave evidence to the IHP that she has no knowledge of how the substance came to be present in Dynamic Lee.

Further to the detection of the prohibited substance noted above, a kennel inspection was undertaken by the GRSA Integrity Manager and Welfare Compliance Officer on 15th April 2019. Mrs Johnstone was unable to produce treatment records for the greyhound Dynamic Lee as required under the Rules of Racing.

The Stewards subsequently charged Mrs Johnstone as follows:

1. Breaching Greyhounds Australasia Rule 83(2) in that Dynamic Lee was not presented free of any prohibited substance on 1st March 2019 at Gawler, and;
2. Breaching Greyhounds Australasia Rule 84(A)(1) in that being a person in charge of a greyhound Mrs Johnstone was unable to produce records of treatment for Dynamic Lee during a kennel inspection on 15th April 2019.

Mrs Johnstone entered pleas of guilty to each of the charges.

Presentation of greyhounds with a prohibited substance is a breach of the rules that has been rightly condemned by previous decisions of The Stewards. It is similarly reflected in the further adjudication of the Racing Appeals Tribunal (RAT) in a number of decisions. The IHP have considered relevant cases submitted by The Stewards.

As is appropriate with any prohibited substance, the IHP considers this to be serious. However, when balancing the circumstances of the offence, the personal circumstances of Mrs Johnstone, in

particular her unblemished record to date, the co-operation, courtesy and candour shown throughout this enquiry process, the IHP have determined that an appropriate penalty, that balances both general and personal deterrence, is as follows –

- In relation to GAR 84A(1) - \$150
- In relation to the clearly more serious matter of breach of GAR 83(2), for the reasons noted above (which I reserve the right to expand upon if called on), we impose the following:
 - Fine of \$3,500.
 - 6 months suspension suspended after having served 3 months for a period of 24 months.

The suspension period was ordered to commence at midnight on Saturday 26th October 2019.

It necessarily follows that the IHP endorse the action of GRSA Stewards, acting under GAR 83(4), to direct that Dynamic Lee be disqualified from the following events:

1. Placing 1st in Race 3, Winning Formula Open Maiden Series Heat 2, conducted by the Gawler Greyhound Racing Club at Gawler on 1st March 2019, and;
2. Placing 1st in Race2, The Bunyip Open Maiden Series Final, conducted by the Gawler Greyhound Racing Club at Gawler on 10th March 2019.

Stewards will direct that the placings in those events be amended accordingly and that the \$1,835 prizemoney won in those events be returned to GRSA.

Both parties were advised of their right to appeal.

Timothy McGrath
GRSA INTEGRITY HEARINGS PANEL CHAIR

