



GREYHOUND WELFARE & INTEGRITY COMMISSION
DISCIPLINARY ACTION DECISION

- Date of decision:** 25 February 2022
- Decision-makers:** Matthew Tutt, Director Compliance, Policy & Legal
Wade Birch, Director Race Day Operations & Integrity
Annalese Summerson-Hingston, Legal Officer
- Name of relevant person:** Mr Kevin Sills
- Track:** Gunnedah
- Date:** 9 September 2021 and 16 September 2021
- Rule no.:** Rule 83(2)(a)
- Charge(s):**
- (1) Mr Sills presented the greyhound 'Davette's Diva' ("**Greyhound**"), for the purpose of competing in race 8 at the Gunnedah meeting on 9 September 2021 ("**First Event**") in circumstances where the Greyhound was not free of any prohibited substance.
 - (2) Mr Sills presented the greyhound 'Typhoon Curly' ("**Greyhound**"), for the purpose of competing in race 9 at the Gunnedah meeting on 16 September 2021 ("**Second Event**") in circumstances where the Greyhound was not free of any prohibited substance
- Prohibited Substance(s):** Heptaminol
- Disciplinary action taken:** **Charge 1 and Charge 2:** Fine of \$1,500.00 (with \$1,000.00 conditionally suspended for a period of 12 months, subject to Mr Sills not breaching Rule 83(2)(a) or like Rule in that 12 month period)

First charge

Following receipt of a certificate of analysis from Racing Analytical Services Limited, the Commission conducted an investigation into the results of a post-race sample taken from the greyhound 'Davette's Diva' ("**Greyhound**") at the Gunnedah meeting on 9 September 2021.

Further analysis of the sample was conducted by Australian Racing Forensic Laboratory confirming the presence of heptaminol.

Second Charge

Following receipt of a certificate of analysis from Racing Analytical Services Limited, the Commission conducted an investigation into the results of a pre-race sample taken from the greyhound 'Typhoon Curly' ("**Greyhound**") at the Gunnedah meeting on 16 September 2021.

Further analysis of the sample was conducted by Australian Racing Forensic Laboratory confirming the presence of heptaminol.

Evidence, plea and submissions

On 15 February 2022 Mr Sills was issued with a notice of proposed disciplinary action ("**Notice**") setting out the proposed disciplinary action to be taken and the grounds in support of that proposed disciplinary action. The Notice issued two charges under Rule 83(a)(s) and invited Mr Sills to a hearing on 24 February 2022. Mr Sills was provided with a brief of evidence along with the Notice. In addition, a summary of the evidence was contained in the Notice.

On 18 February 2022 Mr Sills provided written submissions and entered a plea of guilty to both charges. At this time Mr Sills indicated that he would not attend the hearing on 24 February 2022.

The decision makers considered the matter, including the written submissions and plea entered by Mr Sills and issued the following decision.

DECISION:

Charge 1

1. Mr Sills is a registered greyhound trainer and the trainer of the greyhound 'Davette's Diva' ("**First Greyhound**"). The First Greyhound competed in race 8 at Gunnedah on 9 September 2021 ("**First Event**"). Following the First Event, a urine sample was taken from the First Greyhound.
2. The post-First Event swab revealed the presence of heptaminol. Heptaminol is a prohibited substance under Rule 1 of the Rules.
3. The decision makers charged Mr Sills with an offence 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;

...

shall present the greyhound free of any prohibited substance.

Charge 2

4. Mr Sills is a registered greyhound trainer and the trainer of the greyhound 'Typhoon Curly' ("**Second Greyhound**"). The Second Greyhound competed in race 9 at Gunnedah on 16 September 2021 ("**Second Event**"). Prior to the Second Event, a urine sample was taken from the Second Greyhound.

5. The pre-Second Event swab revealed the presence of heptaminol. Heptaminol is a prohibited substance under Rule 1 of the Rules.
6. The decision makers charged Mr Sills with an offence 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;

...

shall present the greyhound free of any prohibited substance.

7. Mr Sills pleaded guilty to the charges and elected to make written submissions in response.
8. The decision makers found the charges proven and took the following disciplinary action against Mr Sills:

Charge 1 (9 September 2021) and Charge 2 (16 September 2021)	To issue a fine in the sum of \$1,500.00 (with \$1,000.00 conditionally suspended for a period of 12 months, subject to Mr Sills not breaching Rule 83(2)(a) or like Rule in that 12 month period) pursuant to section 59(1)(c) of the Act
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9. In taking this disciplinary action, the decision makers considered all evidence, including:
 - Greyhound racing penalty precedents in NSW;
 - The length of time Mr Sills has held a registration, being since 1977, a period of approximately 45 years;
 - Mr Sill's disciplinary history – he does not have any like matters on his record
 - Mr Sills admission of the charges at the earliest opportunity; and
 - Mr Sills submissions in mitigation of penalty, including his review of and amendment to his animal husbandry practices.
10. In addition, the First Greyhound was disqualified from race 8 at the Gunnedah meeting on 9 September 2021, and the Second Greyhound was disqualified from race 9 at Gunnedah on 16 September 2021, pursuant to Rule 83(4) of the Rules.

.....End.....