



## GREYHOUND WELFARE & INTEGRITY COMMISSION

### DISCIPLINARY ACTION DECISION

- Date of decision:** 1 November 2019
- Decision-makers:** Matthew Tutt, Director Legal Services & Sarah James, Senior Legal Officer
- Name of relevant persons:** Mr Paul Roderick  
Mr Robert Roderick
- Track:** Maitland
- Date:** 23 May 2019
- Rule no.:** Rules 86(o), 105(1) & 83(2)(a)
- Charge(s):**
- (1) Mr Paul Roderick caused or allowed 'Proud Racer' ("**Greyhound**") to remain registered under his ownership and trainership while, from in or around May 2018, another registered participant, Mr Robert Roderick, had custody of the greyhound and was responsible for the training and racing of the Greyhound;
  - (2) Mr Paul Roderick caused or allowed a greyhound under his ownership and trainership, 'Proud Racer' to be kept, from on or around 1 November 2017 at an address other than his registered address in circumstances where he did not obtain the permission of the Controlling Body;
  - (3) A greyhound registered as being owned and trained by Mr Paul Roderick, 'Proud Racer' ("**Greyhound**") was presented for the purposes of competing in race 4 at the Maitland meeting on 24 May 2019 in circumstances where the Greyhound was not free of any prohibited substance.
- Prohibited substance(s):** Theobromine
- Disciplinary action taken:** Suspension periods served concurrently:
- Charge 1: 12 week suspension with 6 weeks suspended (conditionally)
  - Charge 2: 4 week suspension
  - Charge 3: 8 week suspension wholly suspended (conditionally)

## REPORT:

Following receipt of a certificate of analysis from the Racing Analytical Services Laboratory, the Commission conducted an investigation into the results of a pre-race urine sample taken from the greyhound, 'Proud Racer' ("**Greyhound**") at the Maitland meeting on 23 May 2019.

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

After considering the evidence, the Commission charged Mr Paul Roderick, given that the pre-race urine sample taken from the Greyhound confirmed the presence of prohibited substance theobromine and at the time, Mr Paul Roderick was the registered trainer of the Greyhound under Rule 83(2)(a) of the Commission's Greyhound Racing Rules ("**Rules**").

On 16 October 2019, this matter was heard in the first instance by the Commission.

Mr Paul Roderick represented himself at the hearing. Mr Robert Roderick was also present and gave evidence. Dr Michelle Ledger, Chief Veterinary Officer also gave evidence.

Mr Paul Roderick pleaded not guilty to the charge under Rule 83(2)(a) and the Commission heard evidence that Mr Robert Roderick was the trainer of the Greyhound on 23 May 2019 and had been training the Greyhound since in or around May 2018, despite Mr Paul Roderick being registered as the trainer.

After considering the evidence, the Commission charged Mr Paul Roderick with additional charges; a breach of Rules 86(o) and 106(1) of the Rules. Mr Robert Roderick was charged with a breach of Rule 86(o), 106(2) and 83(2)(a) of the Rules.

On 1 November 2019, the matters were further heard together by the Commission and finalised under section 58(1) of the *Greyhound Racing Act 2017* (NSW) and Rule 92 of the Rules.

Mr Paul Roderick represented himself at the hearing.

Mr Paul Roderick pleaded guilty to charges 1 and 2; and maintained a plea of not guilty to charge 3.

## DECISION:

1. Mr Paul Roderick is a registered greyhound trainer and the registered trainer of the Greyhound. The Greyhound was presented for race 4 at the Maitland meeting on 23 May 2019 ("**Event**") and a pre-Event urine sample was taken from the Greyhound.
2. Mr Robert Roderick was in charge of the Greyhound at the Event and made admissions to feeding the Greyhound half a chocolate biscuit in the days leading up to the Event.

3. The pre-Event swab revealed the presence of theobromine. Theobromine is a prohibited substance under Rule 1 of the Commission's Greyhound Racing Rules and category 4 prohibited substance under the NSW greyhound racing penalty guidelines.
4. The Commission charged Mr Paul Roderick under Rule 83(2)(a) as the registered trainer of the Greyhound.
5. Mr Paul Roderick denied the charge and made submissions, including that the Greyhound was not in his custody or control at the time of the Event.
6. Further evidence was presented to the Commission during the hearing of the matter in the first instance, that:
  - The Greyhound had been in the custody of Mr Robert Roderick from on or around 1 November 2017, initially intended to be on a temporary basis;
  - From in or around May 2018, Mr Robert Roderick was nominating the Greyhound to compete in events without the involvement of Mr Paul Roderick, who had allowed him to train and race the Greyhound;
  - Mr Robert Roderick received all travel subsidies when the Greyhound was presented for an event;
  - Mr Paul Roderick did not lodge any paperwork to transfer the trainership and/or ownership of the Greyhound but both parties consider Mr Robert Roderick to be the trainer of the Greyhound;
  - Any prizemoney in relation to the Greyhound's racing would be placed into Mr Paul Roderick's bank account and he would transfer all amounts to a bank account held by Mr Robert Roderick;
  - The nomination and subsequent racing of the Greyhound at Maitland on 23 May 2019 was arranged by Mr Robert Roderick, not Mr Paul Roderick.
7. After considering the evidence, the Commission charged Mr Paul Roderick under Rules 86(o) of the Rules in relation to behaviour which was dishonest, improper and constitutes misconduct by permitting a greyhound he was registered to own and train to be trained and subsequently race under the control of another trainer, misleading or causing to mislead the betting public and the Controlling Body. The Commission also charged Mr Paul Roderick under Rule 105(1) for causing or allowing the greyhound to be kept at an address other than the registered address of its registered trainer.
8. Mr Paul Roderick pleaded guilty to charges 1 and 2 and made submissions in mitigation of penalty.
9. The Commission found the charges proven. The Commission found Mr Paul Roderick formally guilty of charge 3 on the following basis:

- The presentation of the Greyhound, trained by Mr Paul Roderick, for the purposes of competing in the Event;
- The Certificates of Analysis confirming the detection of theobromine.

10. The Commission took the following disciplinary action against Mr Paul Roderick:

Charge 1 (R86(o)): To suspend his trainer registration for a period of 12 weeks, with 6 weeks wholly suspended for 12 months after having served 6 weeks, on the condition that he does not breach any similar or like Rules in that 12 month period;

Charge 2 (R105(1)): To suspend his trainer registration for a period of 4 weeks;

Charge 3 (R83(2)(a)): To suspend his trainer registration for a period of 8 weeks, wholly suspended for 12 months on the condition he does not breach any similar of like Rules in that 12 month period,

with the suspension periods to be served concurrently.

11. In taking this disciplinary action, the Commission considered all evidence, including:

- The objective seriousness of the offences involving a greyhound racing for a period of approximately 17 months under the identity of the incorrect trainer;
- The length of Mr Paul Roderick's registration history, having been a registered trainer for approximately 15 years;
- Mr Paul Roderick has no matters on his disciplinary history;
- Mr Paul Roderick's admission of charges 1 and 2 at the earliest opportunity;
- NSW greyhound racing penalty guidelines and precedents;
- Mr Paul Roderick's submissions in mitigation of penalty, including his remorse and personal circumstances.

12. In determining the appropriate penalty, the decision-makers advised this matter is not intended set a precedent for matters where a participant, other the registered trainer, handles the subject greyhound at an event on the basis that, in this case, the evidence supported a history of training by a person other than the registered trainer, giving rise to the additional charges against both participants. In this case given the particular circumstances the Commission considered that a high degree of leniency should be extended to both participants.

13. In addition, the Greyhound was disqualified from race 4 at the Maitland meeting on 23 May 2019 pursuant to Rule 83(4).

.....End.....