

GREYHOUND WELFARE & INTEGRITY COMMISSION
DISCIPLINARY ACTION DECISION

Date of decision:	30 July 2021
Decision-makers:	Chief Commissioner, Alan Brown & Commissioner, Peter Collins
Name of relevant person:	Mr Phillip Cowling
Track:	N/A
Date:	24 September 2020
Rule no.:	Rule 86B(1)(a); Rule 86B(1)(b)
Charge(s):	(1) Mr Cowling used a non-synthetic lure in the training of greyhounds on one occasion; (2) Mr Cowling had possession of a non-synthetic lure at his registered kennel address.
Disciplinary action taken:	Penalties to be served concurrently: Charge 1: 2 years disqualification; Charge 2: 2 years disqualification.

DECISION:

1. Mr Cowling, at the material time being 24 September 2020, was a registered Public Trainer.
2. On 24 September 2020, Commission Inspectors attended at Mr Cowling's registered address to conduct an inspection of the registered kennels.
3. During the inspection, Inspectors discovered a lure, found in a drawer in the meal preparation area of the kennels. The lure appeared to be derived of non-synthetic material. The lure was surrendered to the Inspectors.
4. Mr Cowling made admissions that he had used the lure one time approximately 12 months prior to the date of inspection.
5. The surrendered lure was examined by Dr Greta Franklin of the Australian Museum and found that the lure was made of fur/hair from a prepared animal skin.
6. Dr Franklin also confirmed that both human and canine DNA was present on the lure.

7. The Commission charged Mr Cowling with offences under Rule 86B(1)(a) and Rule 86B(1)(b) which read:

(1) A person who, in the opinion of the Stewards or Controlling Body-

- (a) uses in connection with greyhound training, education or preparation to race, or racing, any live animal, animal carcass or any part of an animal whether as bait, quarry or lure, or to entice, excite or encourage a greyhound to pursue it or otherwise; or
- (b) attempts to possess, or has possession of, or brings onto, any grounds, premises or within the boundaries of any property where greyhounds are, or are to be trained, kept or raced, any live animal, animal carcass or any part of an animal for the purpose of being, or which might reasonably be capable of being, or likely to be, used as bait, quarry or lure to entice or excite or encourage a greyhound pursue it;

8. Mr Cowling plead guilty to both charges at the earliest opportunity, provided written submissions and elected to have the disciplinary proceedings conducted in writing.

9. The Commission found the charges proven and took the following disciplinary action against Mr Cowling:

Charge 1: To disqualify Mr Cowling for a period of 2 years;

Charge 2: To disqualify Mr Cowling for a period of 2 years,

with:

- the periods of disqualification to be served concurrently;
- for the period of time served under interim suspension to be taken into account as time served.

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

- Greyhound racing penalty precedents in NSW and other jurisdictions;
- Mr Cowling's admission of the charges at the earliest opportunity;
- The length of time Mr Cowling has held a registration in the greyhound racing industry, approximately 21 years;
- Mr Cowling's previous disciplinary history, having no relevant prior history;
- The evidence provided by Mr Cowling, in particular in relation to his personal and financial circumstances, particular circumstances of the offending, and his remorse.

Special Circumstances

11. The provisions of Rule 86B require a minimum penalty of disqualification for a period of not less than 10 years unless there is a finding that 'special circumstances' exist, whereupon a penalty less than the minimum can be imposed.

12. Mr Cowling provided detailed submissions in seeking to establish the existence of special circumstances. The Commission found the existence of special circumstances based upon the following factors:

- Mr Cowling’s personal circumstances, including his health circumstances, not published here for privacy reasons;
- The objective seriousness of conduct being at the lower end of the spectrum of the offending behaviour captured by Rule 86B(1) relating to a lure comprised of synthetic and animal materials, used on one occasion and the lure being a ‘pelt’. Whilst containing synthetic and animal material it is objectively less serious than possession or use of an animal or animal carcass;
- Mr Cowling obtained this item prior to the change in rules in 2015 which banned this type of item.

13. The totality of the factors in mitigation gave rise to a finding that special circumstances exist and that a penalty of less than the 10 years mandatory minimum period could be imposed.

.....End.....