

**DECISION ON AN INTERNAL REVIEW APPLICATION UNDER
SECTION 91 OF THE GREYHOUND RACING ACT 2017**

Matter for determination	Decision dated 30 September 2024 of Commission Stewards
Internal review decision date	25 November 2024
Internal review decision by	Chief Commissioner Brenton (Alby) Taylor
Internal review decision summary	To confirm the decision of 30 September 2024 to issue a suspension of six (6) months in relation to Charge 1 and to issue a suspension of two (2) months in relation to Charge 2. With the two penalties to be served cumulatively, totalling eight (8) months commencing 30 September 2024, and expiring on 30 May 2025.

REASONS FOR DECISION

1. These are the reasons for the decision following an application by Mr Barry HOWELL (“**Applicant**”) for internal review of a decision of Stewards. That decision was to find the Applicant:

- guilty of a breach of Rule 156(w); and
- guilty of a breach of Rule 156(h);

of the Greyhound Racing Rules. The disciplinary action imposed was recorded as:

“Charge 1 (Rule 156(w)) – To issue a suspension of 6 months.

Charge 2 (Rule 156(h)) – To issue a suspension of 2 months.

With the two penalties to be served cumulatively, totalling 8 months commencing 31 September 2024, and expiring 31 May 2025”

2. This is a reviewable decision within the meaning of section 91(1) of the Act. As I was not involved in making of the reviewable decision, I have dealt with this application.

3. Under section 91(7) of the Act, an internal reviewer is empowered to:

- Confirm the reviewable decision the subject of the application; or
- Vary the reviewable decision; or
- Revoke the reviewable decision.

Background

4. The Applicant, Mr Howell, was a registered Public Trainer with the Commission.

5. On 23 November 2023, a Commission Inspector attended the registered kennelling address of the Applicant.
6. Upon entering the Property, the Inspectors observed two greyhounds housed in a canine transport trailer. When questioned as to why the greyhounds were kennelled within the trailer, the Applicant stated he had not been able 'to move off' three other greyhounds before the additional greyhounds arrived and he had no further kennels available at this time.
7. At the time of this inspection the Applicant was made aware that greyhounds were not to be housed in transport trailers and was given an instruction to remove the greyhounds immediately and relocate them to appropriate accommodation.
8. The Applicant complied with this request and removed the greyhounds from the trailer and placed them in the yard at the rear of the Property, as well as creating temporary bedding in his main kennel area.
9. During this attendance, the Inspector also identified the food preparation area having a layer of dirt and grime and kennels not being kept clean. At the completion of the inspection, the Applicant was issued with a "GWIC Written Work Direction about maintaining clean, hygienic and safe conditions.
10. The timeframe for the Applicant to comply with this direction was recorded as "*Continuously*", indicating it was an on-going and enduring compliance requirement.
11. Following the inspection, on 27 November 2023 the Applicant sent photos to confirm he had cleaned the areas identified during the inspection indicating his kennels were now compliant.
12. On 31 January 2024 the Inspector attended the Property again to conduct a follow-up inspection.
13. Upon entry to the Property the Inspector observed two greyhounds, housed in a canine transport trailer located in the driveway of the Property.
14. During this second inspection, the kennel area was again non-compliant with the Code of Practice.
15. On 16 September 2024, the Applicant was issued with a Notice of Charge and Proposed Disciplinary Action charging him with a breach of Rule 156(w). The rule reads:

Rule 156(w) Rules

An offence is committed if a person (including an official):

- (w) fails to comply with a policy or code of practice adopted by a Controlling Body

16. Additionally, he was charged with a breach of Rule 156(h). This rule reads:

Rule 156(h), Rules

An offence is committed if a person (including an official):

- (h) disobeys or fails to comply with a lawful order of a Controlling Body, the Stewards, or another person authorized by a Controlling Body with official duties relating to greyhound racing

17. Charge 1 related to breaching standard 5.5 of the Code of Practice in that the Applicant housed greyhounds in a trailer. Charge 2 related to failure to comply with a direction from the Inspector to keep his food preparation area clean. The Notice proposed a penalty of a 12-month suspension in respect of Charge 1, and a 3-month suspension in respect of Charge 2.

18. The Applicant attended a hearing and entered a plea of guilty to the charges

19. The stewards imposed a period of suspension in relation to each charge. The periods of suspension were:

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|-------------------------------|---|-------------------------------------|
| Charge 1 (Rule 156(w)) | – | To issue a suspension of 6 months. |
| Charge 2 (Rule 156(h)) | – | To issue a suspension of 2 months.” |

With the two penalties to be served cumulatively, totalling 8 months commencing 30 September 2024 and expiring 30 May 2025.

The Internal Review Application

20. The Applicant seeks an internal review in respect of the penalty imposed. The internal review has been conducted on the papers.

Findings

21. There are a number of concerning matters which arise from the conversation between the Applicant and the Inspectors when he first attended. These include:

22. When the Inspector arrived at the property, the Applicant stated:

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| <i>Inspector</i> | <i>“Just come by today to do a kennel inspection with you.”</i> |
| <i>Applicant</i> | <i>“Yep”</i> |
| <i>Inspector</i> | <i>“Cool? Are you able to do – give me some time today?”</i> |
| <i>Applicant</i> | <i>“Yeah, mate. Yeah.”</i> |
| <i>Inspector</i> | <i>“Cool. All right. All right.”</i> |
| <i>Applicant</i> | <i>“You’re not going to be happy, anyway.”</i> |

23. The fact that the Applicant’s first response to the Inspector indicates that it is unlikely that the Inspector will be “happy” with what he will find during the inspection, is a clear indication in my view that the Applicant was fully aware he was maintaining poor animal husbandry practices.

24. When questioned as to why the applicant had two greyhounds kennelled inside a canine transport trailer, the Applicant conceded they were being kept in the trailer as he did not have sufficient kennels to accommodate the number of greyhounds in his possession and was attempting to relocate other greyhounds.

25. This, in my view, is a clear admission on the part of the Applicant that he knew it was not acceptable to keep greyhounds in a trailer, but as a consequence of accepting or receiving 'new' greyhounds had insufficient kennels and made a conscious decision to house the greyhounds in the trailer

26. When later discussing the inspection of the Applicant's kennels and their cleanliness, the Applicant stated:

Applicant	<i>"As I said, normally everything is spotless, clean. At the moment it's not, and so I apologise for that.</i>
Inspector	<i>"That's all right. We'll have a look through and we'll..."</i>
Applicant	<i>"I know I'll probably cop whatever I've got to cop, but I just can't help it."</i>

27. Later, in relation to the Applicant's greyhound food preparation area, the Applicant acknowledges the lack of cleanliness.

Applicant	<i>"No, that's all right. I've got to come back down there again anyway. I usually let them out about three o'clock, and then four o'clock I'm starting to get dinners ready and do that sort of stuff."</i>
Inspector	<i>"Okay. So, with these..."</i>
Applicant	<i>"I know it's not the cleanest, but..."</i>
Inspector	<i>"That's – well, the cleanliness is definitely something you need to pick up, just – just so you're not having any – you're not going to have any contamination issues or anything like that."</i>
Applicant	<i>"Yeah."</i>

28. Following the first inspection, the Applicant, to his credit, sent the Inspector photographs of his food preparation area in a clean and compliant condition, in accordance with the Work Direction issued.

29. When the Inspector attended the property for a follow-up inspection on 31 January 2024 during the Applicant was found to have greyhounds kennelled inside his greyhound transport trailer which he acknowledged during a conversation:

Inspector	<i>"...Now, my main issue – I'm just – right now is that you've got two in this..."</i>
Applicant	<i>"Yeah, I know that.:"</i>
Inspector	<i>"The trailer again."</i>
Applicant	<i>"I know that."</i>

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Applicant *"... 'cause she's – she's – she's going to – I'm just waiting for the girls to move her. She had a meet and greet on the weekend."*

Inspector *"Yep."*

Applicant *"So, I've just kept her in there to keep it clean and that."*

Inspector *"Okay."*

Applicant *"And, the – the other one, she fractured her tibia the other day.... So, I just – I didn't want her running around the yard in it, so I just put her in there temporarily while I treat it and let it heal up, that's all."*

Inspector *"Okay. Okay. So, you don't have a kennel in here for them?"*

Applicant *"Not at the moment, no."*

Inspector *"Righteo. Okay. You do remember that I told you, you can't do this?"*

Applicant *"Yeah, I know that. They were in the – were in the yard..."*

Inspector *"Yep."*

Applicant *"...but I had to just put them back in there..."*

30. Clearly, the Applicant was not anticipating a second visit by the Commission's Officers. In his own words, the Applicant acknowledges his breach, indicates it was brought about because he had insufficient kennels.

31. In relation to the cleanliness of the Applicant's food preparation the inspector says:

Inspector *"You did clean this for me."*

Applicant *"I know. It was spotless. Yeah."*

Inspector *"It's terrible again.."*

Applicant *"I know. I've changed me – me feed..."*

...

Inspector *"So, treat it like a kitchen. You – you do the food, you get the food out, clean the kitchen."*

Applicant *"Yeah."*

Inspector *"Okay. Every time, mate. Cool. Hello, you. How are you guys?"*

Applicant *"Just been – just been slack. I need some bloody cleaner, that's all."*

32. I note the honesty of the admissions of the Applicant during both inspections and a number of life challenges which the Applicant has faced in recent times which are not published for privacy reasons.

33. Whilst I can empathise with the Applicant's life challenges, the reality is that greyhound ownership brings with it obligations and responsibilities which must be met, otherwise, it is inevitably the welfare of the greyhounds which will suffer.

Decision

34. As the internal reviewer, when considering whether the decision of the Stewards on the 30 September 2024 was appropriate, I have had regard to all the evidence considered by the Stewards, together with the internal review materials provided by the Applicant. The material I have had reference to includes:

- Notice of Charge and Proposed Disciplinary Action dated 16 September 2024, together with a Brief of Evidence;

- Written submissions made by the applicant as a part of his Application for Internal Review dated 12 October 2024;
- A copy of the body worn camera from inspections;
- Notice of Disciplinary Action dated 16 October 2024;
- Disciplinary Action Decision dated 30 September 2024;
- Application for Internal Review dated 12 October 2024;
- A copy of “*GWIC Written Work Direction*” Reference No.00220 dated 23 November 2023.
- References written to support the Applicant from Mr Clifford Parker, Mr Kade Jarvis and Ms Amanda Brewer;
- Photographic evidence
- The Commission’s Penalty Guidelines; and
- The registration and disciplinary history of the Applicant.

35. In accordance with section 91(7)(a) of the Act, having reviewed all the material, I confirm the original decision made by Commission Stewards on 30 September 2024.

36. I confirm in relation to:

- Charge 1 (Rule 156(w)) – a suspension of 6 months.
- Charge 2 (Rule 156(h)) – a suspension of 2 months.

With the two penalties to be served cumulatively, totalling 8 months back dated such that they commenced on 30 September 2024, and will expire 30 May 2025.

Brenton (Alby) Taylor
CHIEF COMMISSIONER

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