

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 Robert Roderick
Mr Paul Roderick
- Track:** Maitland
- Date:** 23 May 2019
- Rule no.:** Rules 86(o), 105(2) & 83(2)(a)
- Charge(s):**
- (1) Mr Robert Roderick allowed 'Proud Racer' ("**Greyhound**") to remain registered in the name of another trainer, Mr Paul Roderick while, from in or around May 2018, he was responsible for the training and racing of the Greyhound;
 - (2) Mr Robert Roderick caused or allowed a greyhound not under his ownership and trainership, 'Proud Racer' to be kept, from on or around 1 November 2017 at his address in circumstances where permission had not been granted by the Controlling Body;
 - (3) Mr Robert Roderick, as the person in charge of 'Proud Racer' ("**Greyhound**") presented the Greyhound 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: 26 week suspension with 18 weeks suspended (conditionally)
 - Charge 2: 4 week suspension
 - Charge 3: 8 week suspension

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 Robert Roderick represented himself at the hearing.

Mr Robert Roderick pleaded guilty to the charges.

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 is a registered trainer 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 Robert Roderick under Rule 83(2)(a) of the Rules as the person in charge of the Greyhound. The Commission also charged Mr Robert Roderick under Rule 86(o) of the Rules in relation to behaviour which was dishonest, improper and constitutes misconduct by permitting a greyhound he was responsible for training and racing to remain registered in the name of another trainer, misleading or causing to mislead the betting public and the Controlling Body and under Rule 105(2) for causing or allowing the greyhound to be kept at his address without the permission of the Controlling Body.
8. Mr Robert Roderick pleaded guilty to charges 1, 2 and 3 and made submissions in mitigation of penalty.
9. The Commission found the charges proven and took the following disciplinary action against Mr Robert Roderick:

Charge 1 (R86(o)):	To suspend his trainer registration for a period of 26 weeks, with 18 weeks wholly suspended for 12 months after having served 8 weeks, on the condition that he does not breach any similar or like Rules in that 12 month period;
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Charge 2 (R105(2)): 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,

with the suspension periods to be served concurrently.

10. 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 Robert Roderick's registration history, having been a registered trainer for approximately 30 years;
- Mr Robert Roderick has no matters on his disciplinary history;
- Mr Robert Roderick's admission of the charges at the earliest opportunity;
- NSW greyhound racing penalty guidelines and precedents;
- Mr Robert Roderick's submissions in mitigation of penalty, including his remorse and personal circumstances.

11. 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 showed 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.

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

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