

GREYHOUND WELFARE & INTEGRITY COMMISSION
SUMMARY OF DISCIPLINARY ACTION DECISION

Date of decision:	19 December 2019
Decision-maker:	Chief Executive Officer, Judith Lind
Name of relevant person:	Mr Robert Howard
Track:	N/A – Non-meeting
Rule no:	Rule 86B(1)(b), Rule 86A
Disciplinary action taken:	Suspension periods served concurrently and backdated to take into account period of time served while on Interim Suspension
	Charge 1 (Rule 86B(1)(b)): 6 month suspension, with 4 months suspended for 12 months (conditionally)
	Charge 2 (Rule 86A): 6 month suspension, with 4 months suspended for 12 months (conditionally)

REPORT:

During an inspection of the kennels and registered trial track, 'Keinbah Trial Track', a lure found on the property was suspected to be derived of animal materials. The lure was surrendered and sent to the Australian Centre for Wildlife Genomics for further testing.

Analysis of the lure was conducted and a report by the Australian Centre for Wildlife Genomics confirmed that the fibres found on the lure were analysed and conclusively found to be natural in origin and fur/hair from an animal skin.

After considering the evidence the Commission charged Mr Howard with a breach of Rule 86B(1)(b) and a further breach of Rule 86A of the Commission's Greyhound Racing Rules ("**Rules**").

Mr Howard was legally represented and pleaded guilty to both charges at the earliest opportunity.

The disciplinary action for both charges was conducted in writing in accordance with the participant's election.

DECISION:

1. Mr Howard, at the material time being 26 June 2019, was a registered Public Trainer, Studmaster and Breeder.
2. On 26 June 2019, Commission Inspectors attended at Mr Howard's registered address to conduct an inspection of the kennels and registered trial track, 'Keinbah Trial Track'.
3. The 'Keinbah Trial Track' was also co-owned and operated by Mrs Natina Howard.
4. During the inspection a lure, attached to the lure arm in the bullring located at the property, was examined and suspected to be comprised of animal derived materials. The lure was surrendered to Inspectors.
5. The lure was examined by the Australian Centre for Wildlife Genomics who confirmed that the fibres found on the lure were natural in origin and fur/hair from an animal skin.
6. The item was further analysed for DNA which identified human DNA which was likely caused from human handling of the lure. The Australian Centre for Wildlife Genomics found that the manufacturing and tanning process can highly degrade DNA and/or inhibit the successful extraction of DNA however confirmed the microscopic examination clearly identified structures present within the hairs that are characteristic of hairs taken from an item with a natural (animal) origin.
7. Following the conclusive finding that the lure was derived from animal materials, the Commission charged Mr Howard under Rule 86B(1)(b). The Commission further charged Mr Howard under Rule 86A.
8. Mr Howard pleaded guilty to the charges, provided written submissions through his legal representative and elected to have the disciplinary proceeding conducted in writing.
9. The Commission accepted the guilty pleas and confirmed the charges proven and took the following disciplinary action against Mr Howard:

Charge 1 (Rule 86B(1)(b)): To suspend his registrations for a period of 6 months, with 4 months suspended for 12 months after 2 months is served on the conditions that:

- i. he does not breach Rule 86B(1)(b) in that 12 month period; and
- ii. that a CCTV camera is installed that captures and records all training activities that occur in the bullring located at the registered address of Mr Howard for a period of 12 months or as otherwise extended by GWIC and for a copy of

such footage to be produced by your client to GWIC upon request.

Charge 2 (Rule 86A): To suspend his trainer registration for a period of 6 months, with 4 months suspended for 12 months after 2 months is served on the condition that:

- i. he does not breach Rule 86A in that 12 month period.

Both periods of suspension are to be served concurrently and backdated to take into account the period of time served while interim suspended, being from 25 October 2019.

Special Circumstances:

The provisions of Rule 86B require a minimum of 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.

Mr Howard provided detailed submissions in seeking to establish the existence of special circumstances. These submissions included:

- Mr Howard’s excellent record in approximately 33 years as a trainer with one unrelated disciplinary matter;
- Mr Howard’s guilty plea at the earliest opportunity, admissions in relation to the purchase and use of the item and cooperation with the inquiry;
- Mr Howard has suffered adverse financial hardship consequences as a result of the imposition of the interim suspension;
- Mr Howard has suffered from significant adverse personal circumstances that are particular to Mr Howard that are not published due to privacy reasons;
- Mr Howard’s significant contribution to the industry, particularly in relation to the ‘Keinbah Inquiry’, a previous inquiry conducted by the then regulator; and
- That the offending behaviour was at the lowest end of the spectrum of the range of conduct captured by the relevant Rules in that the item used as a lure was purchased from a retail premises although once assessed microscopically it was found to be from animal derived materials.

.....End.....