

**GREYHOUND WELFARE & INTEGRITY COMMISSION**

**DISCIPLINARY ACTION DECISION**

**INTEGRITY HEARINGS PANEL (IHP)**

Date of decision:	16 July 2021
Decision-makers:	David OShannessy, Chief Inspector, Dean Degan, Senior Steward & Matthew Tutt Director Compliance & Legal Services Officer
Name of relevant person:	Mr Rob Tyler
Track:	Wentworth Park (for prohibited substance matter)
Date:	23 January 2021 (for prohibited substance matter)
Rule no.:	Rule 83(2)(a); Rule 87(1)(b)
Charge(s):	<p>(1) That Mr Tyler, as a registered Public Trainer, Breeder and Studmaster, while in charge of the greyhound 'Zipping Truvy' ("<b>Greyhound</b>"), presented the Greyhound for the purpose of competing in race 6 at the Wentworth Park meeting on 23 January 2021 ("<b>Event</b>") in circumstances where the Greyhound was not free of any prohibited substance</p> <p>(2) That on twenty occasions Mr Tyler, as a registered Public Trainer, Breeder and Studmaster, engaged in conduct of lay betting against greyhounds that he trained., this conduct being breaches of R 87 (Betting to Lose) and particularised in the Notice of Proposed Disciplinary Action dated 8 June 2021, were found to be proven.</p>
Disciplinary action taken:	To be served concurrently: Charge 1: 4 week suspension; Charge 2: 6 week suspension, with 11 days spent interim suspended declared as part of the suspension. with both penalties to be served concurrently.

## DECISION:

1. Charges against Mr Tyler were dealt with by the Commission's IHP following a plea of guilty to a prohibited substance charge along with 20 charges relating to breaches of the lay betting rule. All charges were dealt with together. Mr Tyler was legally represented throughout the proceedings by Mr Paul O'Sullivan.

### **Prohibited Substance Matter – Dexamethasone**

2. Following receipt of a certificate of analysis from Racing Analytical Services Limited, the Commission conducted an investigation into the results of a post-race urine sample taken from the greyhound, 'Zipping Truvy' ("Greyhound") at the Wentworth Park meeting on 23 January 2021.
3. Further analysis of the sample was conducted by a confirmatory laboratory, confirming the presence of dexamethasone.
4. After considering the evidence, the Commission charged Mr Tyler with a breach of Rule 83 (2)(a) of the Commission's Greyhound Racing Rules ("Rules") given that the post-race urine sample taken from the Greyhound confirmed the presence of the prohibited substance dexamethasone.
5. Mr Tyler admitted the charge at the earliest opportunity. Mr Tyler is a registered greyhound trainer and the trainer of the Greyhound. The Greyhound competed at the Wentworth Park meeting on 23 January 2021 ("Event"). The race in question was the Summer Distance Final and the greyhound finished in second place. Following the Event, a urine sample was taken from the Greyhound.
6. The sample was analysed, and this revealed the presence of dexamethasone. Dexamethasone is a prohibited substance under Rule 1 of the Rules. As is the normal process, the Commission charged Mr Tyler under Rule 83(2)(a), which provides:
  - (2) The owner, trainer or person in charge of a greyhound-
    - (a) nominated to compete in an Event;  
...shall present the greyhound free of any prohibited substance.
7. Evidence was provided that the reason the substance was in the greyhound's system was as a result of some treatment Mr Tyler had given the greyhound following advice from his veterinarian. A letter from the veterinarian was tendered in evidence, confirming the treatment that was given and the source of the substance ultimately detected in the sample.
8. This evidence was accepted by the IHP and was uncontroversial. Submissions were made in relation to an appropriate penalty. The IHP considered previous penalties

imposed on trainers presenting their greyhound to race where dexamethasone was present in their system. Mr Tyler has been a trainer for over 40 years without any previous prohibited substance matters. This was considered a significant fact that went to mitigation of the penalty.

9. The IHP considered the need for consistency in the level of penalties applied in similar cases. Taking into account Mr Tyler's guilty plea and the evidence provided as to how the substance came to be in the Greyhound's system, a suspension of 4 weeks was imposed.

### Lay Betting Charges

10. The more involved of Mr Tyler's matters concerned a large number of charges under the rule relating to lay betting. The relevant rule provides as follows:

#### R 87 – Betting to lose

- (1) For the purposes of this Rule "lay" means the offering or placing of a bet on a greyhound:
  - (a) to lose an Event; or
  - (b) **to be beaten by any other runner or runners in an Event other than a bet of a type which will generate a dividend if the greyhound places first in the Event and the other elements of that bet type required to be successful are satisfied;** or
  - (c) to be beaten by any margin or range of margins in an Event; or
  - (d) that a greyhound will not be placed in any one of the first four finishing positions in an Event in accordance with the provisions of Rule 61.
- (2) Any person directly involved, or employed in the nomination, training or care of a greyhound or a person who has provided a service connected to a greyhound, within the preceding 21 days of the greyhound starting in an Event, shall not lay the greyhound in the Event. **(emphasis added)**

11. The above rule is commonly known as the 'lay betting rule'. Mr Tyler was originally charged with 16 charges against this rule alleging breaches from April 2019 to January 2021. To all these charges Mr Tyler pleaded not guilty and the matter proceeded to hearing on 5 May 2021.
12. At the hearing evidence was given and submissions were made on Mr Tyler's behalf. The submissions concentrated on the construction and interpretation of the lay betting rule.
13. The IHP considered the submissions that the rule should be interpreted such that to be captured by the rule a person must have placed a bet on their greyhound to lose or be beaten by another runner. In 14 of the original 16 charges preferred against Mr Tyler, he submitted that bets were not placed on his greyhounds to lose or be beaten

by another runner. As a result and after considering the matter, the IHP accepted this submission and withdrew these 14 charges with two of the charges remaining.

14. In accepting the interpretation of the rule as advanced by Mr Tyler and after further consideration of the evidence, the IHP reviewed Mr Tyler's betting records. As a result of this, Mr Tyler was charged with 18 additional breaches of the lay betting rule with the particulars amended on the two charges from the original matters.
15. The bets that formed the subject of the charges are detailed in the following schedule:

<b>Date</b>	<b>Greyhound</b>	<b>Bet Types</b>
10/10/2020	Modus Operandi	First Four bet
13/07/2019	Ziping Truvy	First Four bet
9/10/2020	Delta Kade	5 Trifecta bets
16/08/2020	Special Quality	3 Trifecta bets, 2 First Four bets
14/08/2020	Ziping Jade	Trifecta bet
18/05/2020	Ziping Brady	Trifecta bet
1/05/2020	Princess Annetts	2 Trifecta bets, 1 First Four bet
26/01/2020	Sports Mode	3 First Four bets
26/01/2020	Sojourn	2 First Four bets
26/01/2020	Lochinvar Dynamo	First Four bet
19/01/2020	Lochinvar Dynamo	First Four bet
19/01/2020	Go Home Duke	First Four bet
14/01/2020	Ziping Red	First Four bet
12/01/2020	Sports Mode	Trifecta bet
12/01/2020	Ziping Truvy	2 Trifecta bets
12/01/2020	Go Home Duke	First Four bet
11/12/2019	Go Home Duke	2 First Four bets
26/11/2019	Sojourn	1 First Four bet, 1 Trifecta bet
21/11/2019	Lochinvar Dynamo	First Four bet
24/04/2019	Modus Operandi	2 First Four bets

16. All of the bets detailed in the schedule above were for greyhounds trained by Mr Tyler to be beaten by other runners, in contravention of Rule 87(1)(b) of the lay betting rule. Mr Tyler entered a plea to all 20 charges and the matter proceeded to hearing on 16 July 2021.

17. In submission on mitigation of penalty in relation to the lay betting rule Mr Tyler submitted the following:
  - (i) That he was not aware the bet types he made in the circumstance he made them constituted a breach of the lay betting rule;
  - (ii) That the breaches were of a technical nature but his conduct is still captured by the rule;
  - (iii) The amounts involved were not large, with the total quantum of all bets placed being approximately \$900;
  - (iv) That, in his view, there were no other integrity issues with any of the races in which the bets were placed.
18. In general matters of mitigation in relation to Mr Tyler he submitted that since been charged with these matters, he has had to divest himself of most of his greyhounds. Mr Tyler was interim suspended on 15 March 2021 for the lay betting breaches. Following an appeal to the Racing Appeals Tribunal (RAT), this suspension was stayed by the RAT after a period of 11 days.
19. Having been issued with the fresh or amended charges, Mr Tyler entered pleas of guilty to the charges at a very early stage.
20. The IHP considered Mr Tyler's matters in total and determined that the breaches of the betting to lose rule do have the capacity to undermine the integrity of greyhound racing, regardless of whether any actual integrity issues are discovered. The rule is designed to prohibit trainers betting on their own greyhounds to lose or to be beaten by other runners. The intent of the rule is clear – a trainer should not place a bet on their own greyhounds in any bet type in anticipation that their greyhound will be beaten. Put simply the rules prohibit betting to lose.
21. Mr Tyler submitted that no trainer had been previously charged for this type of conduct and that because of this he should be treated more leniently. The IHP accepted this submission and reduced the penalty that would otherwise have been imposed. The IHP didn't accept the submission that the breaches were technical in nature.
22. The IHP also had regard to the serious impact that such conduct may have on public perceptions of greyhound racing. It should be noted that one of the principal objectives of the Commission under section 11 of the *Greyhound Racing Act 2017* is 'to safeguard the integrity of greyhound racing and betting'. This makes it incumbent on the Commission to undertake investigations into alleged breaches of the rules of racing related to betting whilst also preserving the integrity of the sport.
23. The IHP considered Mr Tyler's conduct in relation to the betting matters was such that a suspension was the only appropriate penalty. However, the IHP accepted that,

as this type of conduct has not been previously dealt with by the Commission, Mr Tyler has not had the benefit of precedent cases to inform him of the Commission's regulatory stance on these matters, and reduced the suspension to reflect Mr Tyler's circumstances.

24. In all the circumstances, a penalty of a 6-week suspension was imposed as a global penalty for the lay betting charges. The period served under interim suspension was taken into account in this 6-week suspension.
25. This decision will serve as a deterrent to NSW greyhound trainers that placing bets on greyhounds they train to lose or be beaten by other greyhounds is a serious breach of the Greyhound Racing Rules and a suspension, or disqualification in certain circumstances, may be imposed for any breaches of the betting to lose rule.

.....End.....