



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

Matter for determination	Decision dated 9 July 2021 by the Integrity Hearings Panel A/Senior Legal Officer, Alice Stafford, Chief Inspector, David OShannessy and Senior Steward, Dean Degan under Rule 86(ag) of the Greyhound Racing Rules and clause 10(3) of the <i>Greyhound Racing Regulation 2019</i> to impose a 12 week suspension
Internal review decision date	3 August 2021
Internal review decision by	Mr Alan Brown, Chief Commissioner Mr Peter Collins, Commissioner
Internal review decision summary	Confirm the decision of 9 July 2021 to suspend Mr Jobson for 12 weeks.

### REASONS FOR DECISION

1. These are the reasons for decision following an application by Mr Mitchel Jobson (“Mr Jobson”) for internal review under the *Greyhound Racing Act 2017* (“Act”) of a decision of the Integrity Hearings Panel: A/Senior Legal Officer, Alice Stafford, Chief Inspector, David OShannessy and Senior Steward, Dean Degan of the Greyhound Welfare & Integrity Commission (“Commission”). That decision was to suspend Mr Jobson’s registration for a period of 12 weeks.
2. This is a reviewable decision within the meaning of section 91(1) of the Act. As we were not substantially involved in making the reviewable decision, we 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. On 10 May 2021 Mr Jobson was issued with a Notice of Proposed Disciplinary Action, charging Mr Jobson with contravening R86 (ag). R 86 (ag) provides as follows:

#### **Rule 86 (ag), Rules**

A person (including an official) shall be guilty of an offence if the person –

...

(ag) fails to comply with a policy adopted by a Controlling Body.

5. Mr Jobson was also charged with contravening clause 10 (3) of the Regulation which provides as follows.
  - (1) A greyhound racing industry participant who owns or keeps a greyhound must, in accordance with this clause, provide the following information to the Commission-
    - ...
    - (e) if the greyhound dies – details relating to the date, time and location of the death and circumstances surrounding the death (including the cause of death, if known),
6. The charges particularised that on 16 November 2020, Mr Jobson presented the Greyhound “Flying Darcy” to the Taree Veterinary Hospital to be euthanased. Mr Jobson did not comply with clause 5 (rehoming requirements) and clause 12 (notification requirements) of the Greyhound Rehoming Policy. Mr Jobson further failed to comply with clause 10 (3)(e) of the Regulation, being a requirement to notify the Commission of the death of a greyhound.
7. On 19 May 2021, Mr Jobson provided an Election Notice and written submissions. Mr Jobson’s submissions emphasised that, in having the Greyhound euthanased, he prioritised the safety of his family after the greyhound had snarled at and tried to bite his four year old daughter. Mr Jobson also acknowledged that he had failed to attempt to rehome the greyhound and expressed contrition over his failure to meet the requirements of the Policy.
8. Mr Jobson was provided with a Notice of Proposed Disciplinary Action specifying the proposed penalty on 30 June 2021. Mr Jobson accepted the proposed penalty.
9. Having considered all the evidence and submissions, on 9 July 2021 the Integrity Hearings Panel imposed a suspension on Mr Jobson’s registration for a period of 12 weeks in relation to the contravention of R 86 (ag). No further penalty was imposed in relation to the contravention of the Regulation as this related closely to the substantive matter under rule 86(o).

## Findings

10. Upon review of all the evidence and submissions, the Integrity Hearings Panel, in imposing penalty that it did, took into account the following factors:
  - The objective seriousness of Mr Jobson’s conduct, resulting in the death of a greyhound;
  - The length of time Mr Jobson has held a trainer registration, being approximately 5 years;
  - Mr Jobson’s disciplinary history – he has no relevant prior matters on his record;
  - Mr Jobson’s admission of the charges at the earliest opportunity; and,
  - Mr Jobson’s submissions in mitigation of penalty, including his remorse.

## **The internal review application**

11. Mr Jobson lodged an application for internal review of the decision on 15 July 2021. This internal review has been conducted in writing in accordance with Mr Jobson's request.
12. Mr Jobson's main submission on the internal review application goes to the severity of the penalty imposed.
13. Mr Jobson contends that the greyhound was aggressive and that having it euthanased was necessary to protect the safety of his family.
14. Mr Jobson further contends that the offence was a 'mistake of not filling out paperwork in the time allocated' and that the penalty of 12 weeks' suspension is disproportionate when compared with penalties imposed for prohibited substance offences.

## **Decision**

15. Having reviewed all of the material, we have decided to confirm the penalty imposed by the Integrity Hearings Panel.
16. In accordance with section 91 (7) (c) of the Act, we confirm the decision being:
  - That a suspension of twelve (12) weeks be imposed on Mr Jobson

## **Reasons**

17. It is clear on the material that the death of the greyhound "Flying Darcy" was a significant factor that the Integrity Hearings Panel had regard to when determining the penalty to be imposed.
18. The Rehoming Policy sets out requirements that participants must meet before a greyhound is euthanased. The purpose of the Policy is to:
  - maximise opportunities for rehoming greyhounds that are retired from, or otherwise unsuitable for, racing;
  - eliminate unnecessary euthanasia of healthy greyhounds; and,
  - ensure that, where it is necessary to euthanase a greyhound, euthanasia is conducted in a humane manner.
19. The greyhound participated in an event at Taree on 15 November 2020. The next day Mr Jobson presented the greyhound to the Taree Veterinary Hospital to be euthanased. The documentation that formed the evidence did not indicate that the greyhound was a greyhound to which an exemption from the rehoming requirements in the Policy applied; that is, that the greyhound was suffering from an intractable illness or injury.
20. Mr Jobson accepted that he did not provide the greyhound with the required 30 day wind down period after its retirement from racing, attempt to rehome it, or notify the Commission of his intention to euthanase the greyhound – all of which the Policy required him to do.
21. Whilst Mr Jobson submitted that the greyhound was aggressive to a child, it is the reviewer's determination that the Policy requires certain steps to be taken before any humane euthanasia can occur. It should be noted that since March 2020, the

greyhound had raced approximately 37 times and between three and five times per month.

22. The steward's report from the greyhound's last race on 15 November 2020 provided the following:

*Stewards interviewed the Trainer (Mr Mitchell Jobson) in regard to the performance of FLYING DARCY (8) throughout the Event. Available video footage of the Event was replayed for the Trainer. After taking into consideration submissions made by the Trainer and observations of the greyhound's performance, Stewards issued FLYING DARCY (8) with an endorsement in accordance with GAR69A. As such, FLYING DARCY (8) is prohibited from nomination and competing in an Event until the satisfactory completion of a Trial in accordance with GAR72.*

23. The greyhound was euthanased the following day. Hence the greyhound was provided with no opportunity to benefit from the requirements of the Rehoming Policy. In his submissions, Mr Jobson himself accepted that he 'did not do the right thing by the greyhound'. It is also not explained why the form submitted by Mr Jobson online ticked the box 'rehoming attempts unsuccessful' when other documentation provided asserts that the reason for the greyhound's euthanasia was due to alleged behavioural aggression.
24. In reaching our decision to confirm the penalty imposed, we also had particular regard to Mr Jobson's previous disciplinary history and continuing commitment to the greyhound racing industry, as well as his remorse in relation to the death of the Greyhound.
25. Our decision to confirm the penalty imposed on Mr Jobson should make it clear to all participants that the death of the Greyhound – or any greyhound – is significant. The Commission's Greyhound Rehoming Policy requires participants to seek to rehome any greyhounds that they do not wish to retain, and participants who fail to comply with its requirements will face disciplinary action.

**Chief Commissioner Alan Brown**

**Commissioner Peter Collins**