



GREYHOUND WELFARE & INTEGRITY COMMISSION
DISCIPLINARY ACTION DECISION

Date of decision: 17 May 2022

Decision-makers: Chief Inspector, David O’Shannessy, A/ Deputy Chief Inspector, Shaye Barrow and Senior Steward, Kevin Adams.

Name of relevant person: Mr Kristofor Rees

Track: N/A

Date: 10 August 2021 and 21 November 2020

Rule no.: Rule 86(x), Rule 86(o)¹

Charge(s): (1) Mr Rees made a false statement to officers of the Controlling Body in relation to the origin of Stilton Stella’s positive swab for nandrolone phenylpropionate;

(2) Mr Rees did a thing that the Controlling Body considers improper and/or constitutes misconduct by administering nandrolone phenylpropionate, a permanently banned prohibited substance, to the greyhound ‘Stilton Stella’ for the purpose of keeping the greyhound “off season”.

Disciplinary action taken: **Charge 1:** 4-month disqualification

Charge 2: 16-month disqualification

with the penalties served cumulatively.

Decision:

1. At all relevant times Mr Rees was registered with the Commission as a Public Trainer and Breeder.
2. On 21 November 2020 Mr Rees administered nandrolone phenylpropionate, a permanently banned prohibited substance, to the greyhound ‘Stilton Stella’ (“**the Greyhound**”).
3. On 1 February 2021 an out of competition hair sample was taken from the Greyhound.
4. On 10 August 2021, Mr Rees participated in a telephone interview in relation to the results of the sample. The ‘A’ Sample had returned a positive result for nandrolone

¹ Being the applicable rules in force at the time of the offending conduct. Rule 156(o) and Rule 156(f) of the Greyhound Racing Rules as published 1 May 2022 are the comparative rules.

phenylpropionate, a permanently banned prohibited substance under Rule 79A of the Rules.

5. Mr Rees was questioned surrounding the circumstances of the sample and how this substance came to be present in the greyhound. Mr Rees stated he had no knowledge of how the substance came to be present in the sample.
6. On 11 August 2021, Mr Rees contacted the Commission and advised Mr Tutt he had not been truthful in the conversation on 10 August 2021, and the reason the A sample returned a positive result was the result of the Greyhound being given recent injections.
7. On 16 February 2022 the Commission decision makers issued a Notice of Proposed Disciplinary Action ("**Notice**") to Mr Rees, notifying Mr Rees of the investigation, evidence to date and the scheduling of a hearing on 2 March 2022 at 10am.
8. The Notice proposed one breach of Rule 86(x) and one breach of Rule 86(o) ("**Charges**") of the Greyhound Racing Rules ("**Rules**"), which read -

Rule 86(x), Rules

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

...

(x) makes any statement which to his/her knowledge is false either oral by, by print, in writing, by electronic means or by any combination thereof to a member of the Controlling Body, an officer of the Controlling Body, an employee of the Controlling Body, a veterinary surgeon or an official in the execution of his/her duty

Rule 86(o), Rules

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

...

(o) has, in relation to a greyhound or greyhound racing, done a thing, or omitted to do a thing, which, in the opinion of the Stewards or the Controlling Body, as the case may be, is negligent, dishonest, corrupt, fraudulent or improper, or constitutes misconduct;

9. On 28 February 2022 Mr Rees' representative entered a plea of guilty to both Charges on Mr Rees' behalf and requested to vacate the hearing and instead make submissions in writing.
10. On 16 March 2022 the Commission wrote to Mr Rees' representative and advised of the proposed disciplinary action in relation to the Charges. The proposed disciplinary action was as follows:

Charge 1 (Rule 86(x), Rules): To disqualify Mr Rees for 4-months;

Charge 2 (Rule 86(o), Rules): To disqualify Mr Rees for 2-years;

with the penalties to be served cumulatively.

11. Decision makers noted in this correspondence that Mr Rees' pleas of guilty were taken into consideration in proposing the above disciplinary action.
12. Further submissions in mitigation of the penalties were made by Mr Rees' representative, together with the provision of references.
13. The decision makers, after considering all available material including plea of guilty to both charges, the submissions and references provided found the charges proven and issued the following disciplinary action against Mr Rees:

Charge 1 (Rule 86(x), Rules): To disqualify Mr Rees for 4-months;

Charge 2 (Rule 86(o), Rules): To disqualify Mr Rees for 16-months;

with the penalties to be served cumulatively.

14. In taking this disciplinary action, the decision makers considered all evidence, including:

- Greyhound racing penalty precedents in NSW in relation to Charge One;
- The length of time Mr Rees has held a registration, being since 2013, a period of approximately 9 years;
- Mr Rees' disciplinary history – noting his lack of relevant disciplinary history in his association with the greyhound industry;
- Mr Rees' plea of guilty at the earliest opportunity, which was considered by the decision makers before they proposed a penalty; and
- Mr Rees' submissions in mitigation of penalty, including the circumstances around the positive result and his behaviour when questioned.

15. Mr Rees' submissions and his admission to administering the substance to a greyhound were taken into consideration by the decision makers when determining the appropriate penalties. These submissions were considered, and Mr Rees was granted a reduction from 2-years to 16-months to reflect these mitigating circumstances. Mr Rees was charged with misconduct in relation to administering a substance that was detected by an out of competition sample as the administration and subsequent detection did not occur on or in relation to a race day Event. If the positive result was taken on a race day, Mr Rees would likely have been charged under Rule 83(1)(a) or 83(1A) of the Rules.

.....End.....