

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

Matter for determination	Decision dated 18 October 2022 of decision makers Dean Degan, Senior Steward, Shannon Kearney, Steward and Joel Santin, Inspector
Internal review decision date	22 November 2022
Internal review decision by	Mr Alby Taylor Chief Commissioner
Internal review decision summary	Confirmation of the decision of 18 October 2022 being an 8-week suspension.

REASONS FOR DECISION

1. These are the reasons for the decision following an application by Mr Mark Cecil Small (“**Mr Small**”) for internal review under the *Greyhound Racing Act 2017* (“**Act**”) of a Commission decision (“**Commission**” or “**GWIC**”). That decision was to find Mr Small guilty of a breach of Rule 141(1)(a) and to suspend his registration for a period of 8-weeks.
2. This is a reviewable decision within the meaning of section 91(1) of the Act. As I was not involved in making the reviewable decision, I 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 7 October 2022 Mr Small was issued with a notice charging him with a breach of Rule 141(1)(a) of the Greyhound Racing Rules which reads:

Rule 141(1)(a), Rules

- (1) The owner, trainer or other person in charge of a greyhound:
 - a. nominated to compete in an Event;

...

must present the greyhound free of any prohibited substance.

5. The particulars of the charges were:
 1. That you, as a registered Owner Trainer, while in charge of the greyhound Carramar Drive (“**Greyhound**”), presented the Greyhound for the purpose of competing in race 3 at

the Casino meeting on 24 July 2022 (“**Event**”) in circumstances where the Greyhound was not free of any prohibited substance;

2. The prohibited substance detected in the sample of urine taken from the Greyhound following the Event was Theobromine; and
 3. Theobromine is a prohibited substance under Rule 141(1)(a) of the Rules
6. Mr Small attended a hearing on 17 October 2022 with the decision makers. At the hearing, Mr Small entered a plea of guilty to the Charge and made submissions in relation to the Charge.
 7. After hearing Mr Small’s submissions, the decision makers found the charge proven and imposed an 8-week suspension.
 8. As a result of the disciplinary action imposed on Mr Small the Greyhound was disqualified from race 3 at Casino on 24 July 2022.

Internal Review Application

9. On 4 November 2022 Mr Small applied for an internal review of the decision. Mr Small did not apply for a stay of penalty pending the outcome of the internal review.
10. On 22 November 2022 the internal review hearing proceeded via audio-visual software.
11. As the internal reviewer, I have had regard to all the evidence considered by the Commission decision makers on 17 October 2022, together with the submissions of Mr Small made as part of this internal review application.

Decision

12. Upon review of the evidence and submissions in this matter, I had regard to the following:
 - Mr Small provided an explanation as to the likely source of the positive result being Combantrin human worming medication that contains chocolate;
 - The medication was administered without veterinarian consultation. Further, the self-prescribing of human medication to a greyhound is something that can have significant adverse effects on a greyhound. It is something that should never be done. As was stated at the hearing, chocolate can have serious toxic effects on a greyhound.
 - Mr Small made the decision to give his greyhound human worming medication as he was unable to source proper veterinary medications. Mr Small’s inappropriate husbandry practices have resulted in the positive swab.
 - Mr Small was remorseful in his submissions and has since made efforts to amend his husbandry practices;
 - The Commission’s Penalty Guidelines in relation to the detection of a Category 2 substance guides the Commission to impose a period of suspension of 4 months as a

starting point. Under these guidelines the Commission is able to establish appropriate and consistent penalties across the industry, whilst exercising necessary discretion;

- The reduction from a 4-month suspension to 8-weeks afforded to Mr Small by the original decision, meant he was treated with a degree of leniency;
- Mr Small had held an Owner Trainer registration for approximately 10-months at the time of the offence. Despite Mr Small's submission as to his longstanding association with the general greyhound racing industry, I was not satisfied on the evidence that any further discount could be applied to the 8-week suspension.

13. As the internal reviewer, I must have regard to the matter as a whole, with reference to the evidence and the submissions of Mr Small. In accordance with section 91(7)(a) of the Act, I have determined to confirm the original penalty imposed by the decision makers on 17 October 2022, being an 8-week period of suspension.

14. Prior to the Internal Review hearing, Mr Small had served a suspension period of approximately 5-weeks. In accordance with this Internal Review decision, the remaining penalty will expire at midnight on 11 December 2022.

Mr Alby Taylor, Chief Commissioner

~~~~~