

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

Matter for determination	Decision dated 15 February 2024
Internal review decision date	15 April 2024
Internal review decision by	Mr Alby Taylor, Chief Commissioner
Internal review decision summary	Confirm the original decision.

REASONS FOR DECISION

1. These are the reasons for decision following an application by Mr Robert Howard for internal review under the *Greyhound Racing Act 2017* (“**Act**”) of a decision of the Commission on 15 February 2024.
2. The decision makers determined that the charges were proven and imposed the following penalty:
 - Charge 1 (145 (1)): To issue a \$700 fine
 - Charge 2 (148 (1)(a)): To issue a \$300 fine,
 - Charge 3 (149(1)): To issue a \$300 fine.
3. 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.
4. 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

5. Mr Howard is a registered Public Trainer, Breeder and Studmaster. He has been registered as a participant in the industry for many years, having first registered as an Owner Trainer in 1986.
6. On 13 October 2023, Mr Howard attended Wentworth Park for the purpose of racing his greyhound “*Time to Go*,” which was nominated to compete in Race 4.

7. While at Wentworth Park on 13 October, Mr Howard's vehicle was inspected by a GWIC Inspector. The Inspector found two syringes and one bottle of a liquid substance labelled "Glycerine", and one bottle of a liquid substance labelled "Glycerol" in Mr Howard's car and seized these items.
8. In discussions with the Inspector, Mr Howard admitted that he had administered a substance to the greyhound "Time to Go" prior to the race meeting.
9. Stewards subsequently commenced an investigation into the matter and interviewed Mr Howard. The seized substances were later tested and found to be Gold Cross Glycerol and Sanofi Glycerine, which are therapeutic substances, not registered with the Australian Pesticides and Veterinary Medicines Authority.
10. On 1 February 2024, Mr Howard was issued with a Notice of Charge and Proposed Disciplinary Action ("**Notice**"). Mr Howard was charged with breaching the following rules:

Charge 1: Rule 145(1)

- (1) An offence is committed if, without the permission of the Stewards, a person administers, causes to be administered, or attempts to administer any treatment to a greyhound at any time on the day of a meeting until that greyhound is no longer presented for an Event.

Charge 2: Rule 148(1)(a)

- (1) A person must not, without the express permission of the Stewards or the Controlling Body, possess any prohibited substance, exempted substance, or other substance {including any other medication, medicine, injectable substance, supplement, herbal product or therapeutic good} that:

(a) is not registered by the Australian Pesticides and Veterinary Medicines Authority (APVMA).

Charge 3: Rule 149(1)

- (1) An offence under these Rules is committed if, without the permission of the Controlling Body or Stewards, and except in the case of an officiating veterinarian carrying standard equipment, a person has a prohibited substance or a syringe, needle or other instrument which could be used to administer a prohibited substance to a greyhound in their possession, either on a racecourse or in any motor vehicle or trailer being used for the purpose of travelling to or from a racecourse.

11. On 15 January 2024, Mr Howard attended a hearing and entered a plea of not guilty to all of the charges and made verbal submissions.
12. The decision makers considered all the available evidence and Mr Howard's submissions, and found the charges proven. On 15 February 2024, the decision makers advised Mr Howard of their decision and the penalties imposed.

The internal review application

1. On 23 February 2024, Mr Howard lodged an application for internal review of the decision made on 15 February 2024.
2. Mr Howard provided written submissions with his application. In summary, Mr Howard submitted that:
 - He regularly uses glycerine as a treatment for his greyhounds, has done so for many years and records this in his greyhound treatment records;
 - That glycerine is a natural product which is completely safe and useful in preventing dehydration;
 - That he used syringes only as a measuring device to ensure that the dosage administered was accurate.
3. In his submissions, Mr Howard also stated that he was aware of other trainers who administered race day treatments to their greyhounds without penalty and alleged that he had been discriminated against by GWIC staff.
4. For the sake of clarity and confirmation, I note that at Part 2 of Mr Howard's 'Application for Internal Review' to GWIC, that Mr Howard indicates that the Decision Makers in the original consideration of this matter were Chief Steward Troy Vassallo and Mr Matthew Larnach.
5. Mr Larnach was not a Decision Maker in this matter. The original Decision Makers were Chief Steward Troy Vassallo and Steward Paul Van Gestel.

Decision

6. As the internal reviewer, I have reviewed all of the material provided by Mr Howard and the material that was considered by the original decision-makers.
7. The role of an internal review is to determine whether the original decision was, on the basis of the evidence before the decision makers, correct and the penalty appropriate.
8. With respect to Charge 1, Rule 147 clearly states that it is an offence to administer a substance to a greyhound on the day of an event. Mr Howard admitted to administering the substance.
9. With respect to Charge 2, Mr Howard submits that the substance he administered to the greyhound is not prohibited and indeed, it is not. However, Rule 148 (1) clearly refers to 'other substances' that are not registered with the APVMA. The substance in Mr Howard's possession is not so registered, and therefore, the Stewards' decision was correct in that Mr Howard administered a substance which was not registered with the APVMA.

10. With respect to Charge 3, Mr Howard admitted having possession of the syringes that were seized on 13 October 2023. Possession of syringes at greyhound race meetings is a risk to the integrity of the sport and a very significant risk to the brand and reputation of greyhound racing, which is why the Rules prohibit possession of them at a race meeting or in a vehicle used for travelling to a meeting. In this regard, I note that Rule 149(1) specifically distinguishes between, and includes both a syringe and a needle. Specifically, it states:

*“An offence under these Rules is committed if, without the permission of the Controlling Body or Stewards...a person has a...**syringe, needle or other instrument** which could be used to administer a prohibited substance to a greyhound in their possession, either on a racecourse or in any motor vehicle or trailer being used for the purpose of travelling to or from a racecourse.” [emphasis added]*

11. The Stewards' decision in this regard was the correct one.

12. In respect of the penalty imposed, the decision makers took into account the nature of substance administered in that it was not a prohibited substance and no prohibited substance was detected in a swab taken from “Time to Go”.

13. They also took into account Mr Howard's long history within the industry. The rule was correctly applied by Stewards and the factors in mitigation were taken into account. Mr Howard did not plead guilty, as was his entitlement, so no further discount was available to decision-makers. For these reasons, I confirm the decision and the penalties imposed by the decision makers.

14. Mr Howard stated at interview that he was not aware that his conduct constituted a breach of the Greyhound Racing Rules. This matter serves as a reminder to participants in the greyhound racing industry that it is incumbent on them to familiarise themselves with the Rules – rules that are designed to protect the integrity of racing are important for all trainers to be aware of.

15. In his submissions, Mr Howard also indicated that he feels that the conduct of GWIC Inspectors in this matter was unsatisfactory and that he has been ‘targeted’. On the material available to me, there is no evidence that GWIC staff acted inappropriately in any way.

16. Accordingly, I confirm the decision made by stewards.

Brenton (Alby) Taylor
Chief Commissioner

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