

Appeal decision

Date: 31 August 2015

Code of racing: Greyhound

Appeal panel: Mr B Miller (chair), Mr P James and Mr D Kays.

Appearances: Mr S Neaves, Counsel, appeared on behalf of Mr D Taylor.
Mr J Dart, chairman of stewards, appeared on behalf of the stewards.

Decision being appealed: Suspension of trainer's licence for a period of 9 months –
GRR 83(2)(a)

Appeal result: Dismissed. Penalty varied to suspension time already served plus a fine of
\$2,500.

Extract of proceedings – in the matter of the Qld Greyhound Affiliation over 395 metres at Albion Park on 19 May 2015. Trainer: Mr D Taylor

THE CHAIRMAN: Darren Taylor was the trainer of Sophie's Mate, which competed in the meeting at Albion Park on Tuesday 19 May 2015. As a result of a pre-race urine sample taken from the dog in question it showed a level of hydrocortisone above the threshold and as a result his licence was suspended for a period of 9 months. This Tribunal has been asked to consider whether that is a reasonable penalty in all of the circumstances or whether it should interfere as the appeal has been lodged by Mr Taylor in respect only to that penalty. There is no appeal against the finding of guilt, and it should be noted that he made an open concession of guilt without the necessity of troubling the stewards in respect to their proof.

The issues that this Board have found interesting are the accepted levels are twice the level of 1,000 nanograms. Whether that is of significance or otherwise is not something that is a matter addressed in the evidence but it is something that obviously has to be looked at. Of perhaps more importance however is the assistance that Mr Taylor has offered to the industry as a whole. He is a person of significant integrity. He is highly regarded both by members of the greyhound racing profession and the stewards in question, and he is however the person who has also been subjected to previous offences, one resulting in a theobromine penalty attracting a fine of \$275, and then 2 further penalties imposed in respect to dogs with boldenone, one of which seems not to have made its way into the records of the Racing Queensland department.

Be that as it may, he certainly has a history, and the question is whether or not this Board should take into account that history in assessing the penalty. Mr Neaves, as Counsel for the appellant, has urged us to consider the matter as one where we confine ourselves to the hydrocortisone level and the finding of hydrocortisone. He has suggested that the key is that we should not take into account all of the issues of previous drug offences. That is something that a Board of our nature finds difficulty with because it is imperative for the benefit of racing in Queensland and elsewhere that all of the issues must be taken into account when weighing up a penalty, and the stewards are right to put everything before the Board and before the appellant when they do assess that penalty.

It should be noted however that there was some conjecture about how this dog came to be subjected to the hydrocortisone presence, and certain information was brought in letter form only that it may have been through ingesting the vomit of another dog that had used the trailer previously, or that someone perhaps may have, for some purpose or other, been able to get at the dog and present it with something reflected in the positive swab. They are matters that really are not persuasive, and it is not a matter that this Board has taken into account in assessing what to do with this appeal.

The Board however is cognisant of the matters that were identified by Mr Neaves and by Mr Taylor himself, particularly in respect to the employment of his staff, his association with the industry in question, and the fact that he is the owner of one, and perhaps now almost 2 TABs in Rockhampton.

In the circumstances, this Board is prepared to take a view more lenient than would ordinarily be the position. It is the determination of the Board that in fact a suspension of 9 months for a hydrocortisone finding is manifestly excessive. It is the belief of this Board that there should be a suspension. The suspension will be that time already served to date, plus a fine of \$2,500. That is the determination of this Board.

Further right of appeal information: The Appellant and the Steward may appeal to the Queensland Civil and Administrative Tribunal (QCAT) within **28 days of the date of this decision**. Information in relation to appeals to QCAT may be obtained by telephone on (07) 3247 3302 or via the Internet at www.qcat.qld.gov.au