

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

Matter for determination	Decision dated 15 November 2022 of decision makers Kevin Adams, Senior Steward and Sam Woolaston, Steward.
Internal review decision date	14 December 2022
Internal review decision by	Mr Alby Taylor <b>Chief Commissioner</b>
Internal review decision summary	Vary the decision of 15 November 2022 and issue a fine of \$1000.00 wholly suspended for a period of 12-months (to commence from the date of re-registration) subject to Mr Hampson not breaching any like Rule.

**REASONS FOR DECISION**

1. These are the reasons for the decision following an application by Mr Denis Hampson (“**Mr Hampson**”) for internal review under the *Greyhound Racing Act 2017* (“**Act**”) of a Commission decision (“**Commission**” or “**GWIC**”). That decision was to find Mr Hampson guilty of a breach of Rule 141(1)(a) and to issue a fine of \$1000.00 with \$250.00 partially and conditionally suspended for 12-months.
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 27 October 2022 Mr Hampson 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 charge were:
  1. That you, as a registered Owner Trainer, while in charge of the greyhound Heslea (“**Greyhound**”), presented the Greyhound for the purpose of competing in race 4 at the

Gunnedah meeting on 4 August 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 tetrahydrozoline; and
3. Tetrahydrozoline is a prohibited substance under Rule 141(1)(a) of the Rules
6. Mr Hampson attended a hearing on 14 November 2022 with the decision makers. At the hearing, Mr Hampson entered a plea of not guilty to the Charge and made submissions in respect to the Charge.
7. After hearing Mr Hampson’s submissions, the decision makers found the charge proven and imposed a fine of \$1000 with \$250 suspended for 12 months.
8. As a result of the disciplinary action imposed on Mr Hampson the Greyhound was disqualified from race 4 at Gunnedah on 4 August 2022.

### **Internal Review Application**

9. Mr Hampson applied for an internal review of the decision against both being found guilty and the penalty imposed.
10. On 14 December 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 14 November 2022, together with Mr Hampson’s oral submissions made in the hearing.

### **Decision**

12. Upon review of the evidence and submissions in this matter, I had regard to the following:
  - Mr Hampson made submissions regarding the possible origin of the prohibited substance. Mr Hampson raised various issues of possible contamination in the swabbing and race day processes. I found that these submissions were speculative and that there was no evidence that I could rely upon to be satisfied of contamination.
  - Mr Hampson maintained a plea of not guilty to the Charge.
  - Mr Hampson raised concerns with the continuity of the swab and the chain of custody. The Commission’s records demonstrated the integrity of the process and the analysis of all samples, and I was satisfied in this matter that those standards were upheld.
  - Mr Hampson maintained he did not administer nor had any likely explanation as how the prohibited substance came to be in the sample. I have found that under what is known as the ‘presentation rule’ all that has to be established is that Mr Hampson was the trainer and a prohibited substance was detected in the swab sample. I had consideration for Mr Hampson’s submission, however as the regulator, the Commission does not need to establish where the prohibited substance came from.

- The Commission's Penalty Guidelines in relation to the detection of a Category 3 substance guides the Commission to impose a period of suspension. However, in Mr Hampson's circumstances, being a trainer for a period in excess of 10 years and with no previous prohibited substance matters, he was afforded the benefit of receiving a monetary penalty.
- Mr Hampson made submissions in relation to his longstanding association with the greyhound racing industry, being a period of approximately 47-years. I was satisfied his exemplary record as a registered trainer warranted greater recognition in terms of reducing the severity of the penalty.
- The Commission disciplinary matter of a trainer Mr William Dance (GWIC decision 7 March 2022) provides a guide in terms of penalty; however, Mr Hampson's matter is distinguishable favourably by virtue of his more extensive time in the industry without a blemish upon disciplinary record.

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 Hampson. In accordance with section 91(7)(a) of the Act, I have determined to vary the original penalty imposed by the decision makers on 17 October 2022, being a fine of \$1000.00 with \$250.00 partially and conditionally suspended and instead wholly and conditionally suspend the \$1000.00 fine for 12-months from time of Mr Hampson's re-registration subject to him not breaching any like Rule during that period.

**Mr Alby Taylor, Chief Commissioner**

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