

Racing Appeals & Disciplinary Board

Media Release

3 April 2017

Racing Appeals & Disciplinary Board

Date of Hearing: Monday, 3 April 2017
Venue of Hearing: Victorian Commission for Gambling and Liquor Regulation
49 Elizabeth Street, Richmond, Victoria
Panel: Mr. Shane Marshall (Chairman), Ms. Gail Owen (Deputy
Chairman), Mr. John Hutchison and Mr. Phillip Pryor
Name of Person Charged: Mr. Jason Thompson
Town: Pearcedale
Track: N/A
Date: 29 August 2016
GAR No: 86 (p) and 86 (h)

Offences Charged:

Charge 1 Mr. Jason Thompson disobeyed the lawful order of a Steward to take an out of competition sample from the greyhound Dalgetty at his property on 29 August 2016.

Charge 2 Mr. Jason Thompson prevented the carrying out of a sample collection by Stewards from the greyhound Dalgetty at his property on 29 August 2016.

REPORT:

Following advice from the Stewards investigation unit, the Stewards of Greyhound Racing Victoria conducted an investigation into an incident at Mr. Jason Thompson's property on 29 August 2016.

During the investigation, Stewards received evidence from registered trainer Mr. Jason Thompson, Ms. Demi Barber (Steward), Mr. Michael Lowe (Steward) and Mr. Charlie Bezzina (Senior Investigations Manager).

After considering the evidence, Stewards charged Mr. Thompson with a breach of Greyhounds Australasia Rule 86 (p) and 86 (h) as listed above.

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Under Rule 47.1 of the Greyhound Racing Victoria Local Rules a breach of GAR 86 (p) and GAR 86 (h) constitute Serious Offences. As a result on Monday, 3 April 2017 this matter was heard before the Racing Appeals and Disciplinary Board in the first instance under Greyhound Local Racing Rule 47.3 and Sections 83C(b) and 83M(1) of the Racing Act.

Mr. Jason Thompson was represented by Mr. Adrian Anderson instructed by SportsLawyer.

Mr. Marwan El-Asmar GRV Managing Principal Lawyer represented the Stewards Panel.

Mr. Jason Thompson pleaded guilty to charge 2, as a consequence the Stewards withdrew charge 1.

DECISION:

1. Mr. Jason Thompson is a registered greyhound trainer and was at all material times the trainer of the greyhound, "Dalgetty".
2. On 29 August 2016, Greyhound Racing Victoria ("GRV") Stewards, Ms. Demi Barber and Mr. Michael Lowe were conducting out of competition urine sample tests on greyhounds at the premises of trainers.
3. At about 10.45am, Ms. Barber and Mr. Lowe ("the Stewards") arrived at Mr. Thompson's Pearcedale property. The Stewards were known to Mr. Thompson as Stewards of GRV. Ms. Barber told Mr. Thompson that the Stewards were at his property for the purpose of conducting out of competition testing. Ms. Barber asked if they could take samples from two of his greyhounds, Dalgetty and Aston Bolero.
4. Mr. Thompson became annoyed and asked the Stewards why they wanted to swab Dalgetty and who had instructed them to swab Dalgetty. Mr. Thompson became "quite aggravated" according to the Stewards and said several times, "you are not swabbing that dog". Ms. Barber told Mr. Thompson that the Stewards had the power to obtain a sample from any greyhound at any time.
5. Mr. Thompson initially agreed that Aston Bolero be swabbed but maintained that Dalgetty should not be swabbed as the greyhound had not been entered for any upcoming races. As Mr. Thompson was still agitated the Stewards left the property and returned to GRV headquarters to report on the incident.
6. Mr. Charlie Bezzina, Senior Investigations Manager with GRV, contacted Mr. Thompson at about 3.40pm on 29 August 2016. Mr. Bezzina told Mr. Thompson that he wanted to send out Stewards to Mr. Thompson's property the next day to swab Dalgetty. Mr. Thompson agreed to that proposal. He told Mr. Bezzina that he was not aware that he had to agree to the swabbing of a greyhound that had not been racing. Mr. Thompson told Mr. Bezzina that he thought he had been singled out for extra attention by GRV regarding swabbing.

The Racing Appeals & Disciplinary Board (RADB) is established under section 83B of the Racing Act (1958). The RADB is an independent Board established to hear and determine appeals in relation to decisions made under the rules to impose penalties on persons and to hear and determine charges made against persons for serious offences.

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7. A preliminary inquiry into Mr. Thompson's conduct on 29 August 2016 was held on 13 October 2016 by GRV's investigations unit. In the investigation, Mr. Thompson stated that he had never had a dog swabbed that had not been entered for a race. He said that Dalgetty had not raced at that time for about five months. Mr. Thompson said he regretted what happened and should have acted more maturely and sensibly. He also said that he had "acted a bit irresponsibly". He stated that his behaviour was inflamed due to the fact that Dalgetty had sustained an injury and would probably never race again and also because of the absence of his wife who usually deals with out of competition swabs. Mr. Thompson agreed that he had a duty as a trainer to be more familiar with the rules that allowed out of competition testing. He also said that he did not make the Stewards aware of the fact that the greyhound was probably not going to race again.
8. Stewards of GRV have charged Mr. Thompson with two serious offences. The first charge is under Greyhound Australasia Rule ("GAR") 86 (p). GAR 86 (p) provides that:-

"A person (including an official) shall be guilty of an offence if the person –
(p) disobeys or fails to comply with the lawful order of a Steward or other person or body having official duties in relation to greyhound racing."

Amongst other things, the particulars of the charge allege that the Stewards undertook a kennel inspection for the purpose of conducting out of competition samples and that during the kennel inspection, Mr. Thompson refused a lawful order by Stewards to take an out of competition sample of the greyhound, Dalgetty.

9. There is a second charge. This one is under GAR 86 (p). That offence provides that:-

"A person (including an official) shall be guilty of an offence if the person –
(h) prevents, attempts to prevent, interferes with or attempts to interfere with the carrying out of any identification, examination, test, autopsy, analysis, inquiry or investigation pursuant to these Rules."

10. GAR 79A (1) provides that:-

"In addition to the circumstances in Rules 79(1)(a) and (b) and pursuant to Rule 80, the Stewards may carry out, or cause to be carried out such tests as they deem necessary in relation to a greyhound at any time for the purposes of this rule."

11. GAR 80 (2) gives Stewards the authority to require samples of urine, amongst other things to be taken from a greyhound "pursuant to any established procedure for the collection of samples."

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12. Mr. Thompson has pleaded guilty to the second charge; being one under GAR 86 (h). The Stewards have withdrawn the charge under GAR 86 (p).
13. We find the charge under GAR 86 (h) proven. In refusing to allow the Stewards to obtain a sample from Dalgetty, Mr. Thompson prevented the carrying out of a test, being the collection of a sample from the greyhound.
14. As well as pleading guilty, Mr. Thompson has co-operated with the Stewards. He facilitated the taking of a sample from Dalgetty the next day. He is extremely remorseful for his actions. He is of excellent character and his actions were quite out of character.
15. In setting a penalty we are required to balance just punishment, specific and general deterrence, denunciation, the protection of the public, the integrity of greyhound racing and penalties imposed in like matters.
16. In this matter general deterrence is a very important consideration. The work of Stewards must not be disrupted by registered persons. However, as counsel for Mr. Thompson submits, Mr. Thompson's actions were not designed to avoid a breach of the rules in relation to prohibited substances. His demeanour on the day was also affected by personal circumstances in relation to his youngest daughter. Mr. Thompson conceded that he acted in a bad way. He has apologised for his actions. Specific deterrence therefore does not loom large as a consideration.
17. In all the circumstances we consider that the appropriate penalty must reflect the importance of Stewards not being prevented from carrying out their lawful duties. A message needs to be sent to the industry that trainers cannot refuse requests by Stewards for greyhounds to be swabbed. In ordinary circumstances a substantial penalty of disqualification would be imposed. The mitigating considerations in this matter do not overcome the powerful factor of the protection of the industry by creating a drug free level playing field. Although the matter is a difficult question of judgement the Board has formed the view that a period of disqualification of 3 months should be imposed. The period of disqualification shall commence on 12 April 2017.

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