

# RACING APPEALS TRIBUNAL

RAT 4/17

**DATE:** TUESDAY, 4 APRIL 2017

**TRIBUNAL: DEPUTY PRESIDENT:** MR M KING

**MS LISA MICHALANNEY**, GRSA STEWARD,  
GREYHOUND RACING SA LTD APPEARS FOR  
STEWARDS

**APPELLANT:** MR R HALLIDAY

**IN THE MATTER** of an Appeal by **MR ROBERT HALLIDAY** against a decision of Greyhound Racing SA Ltd Stewards

**BREACH OF RULE:** *Greyhound Australasia Racing Rule 83(2) which states:*

*The owner, trainer or person in charge of a greyhound-*

*(a) nominated to compete in an Event;*

*(b) presented for a satisfactory, weight or whelping trial or such other trial as provided for pursuant to these Rules; or*

*(c) presented for any test or examination for the purpose of a period of incapacitation or prohibition being varied or revoked*

*shall present the greyhound free of any prohibited substance*

**PENALTY:** 6 months disqualification on each charge to be served concurrently.

## **DETERMINATION**

The appellant, Robert Halliday, is a licensed greyhound trainer.

On two occasions, firstly Friday 9 September 2016, with the greyhound *Homer* and secondly, on Friday, 14 October 2016, with the greyhound *Redda*, the appellant presented greyhounds for racing with cobalt levels exceeding the prescribed threshold of 100 nanograms per millilitre, as determined by post-race urine samples.

On becoming aware of this, the Stewards convened an enquiry which was held on 10 February 2017. The Stewards heard evidence from the Scientific Manager at Racing Analytical Services Limited, from the veterinarian, Mr Moore, and from Mr Halliday.

At the conclusion of the Inquiry, the Stewards came to the view that there was sufficient evidence and made a determination to charge the appellant with a breach of Greyhound Australasia Racing Rule 83(2), namely that he presented both greyhounds when not free from prohibited substances.

The appellant pleaded guilty to both charges.

The Stewards heard submissions from the appellant as to appropriate penalties.

In considering the penalties imposed, the Stewards took into account the guilty plea entered by Mr Halliday, the forthright and cooperative manner in which he had conducted himself, the level of cobalt detected in each case, the fact that there were two cobalt charges and the fact that Mr Halliday had not been aware of the first positive reading when the second greyhound was tested.

The Stewards also took into account Mr Halliday's long and unblemished record as a greyhound trainer and were provided by Mr Halliday with some information about his long history of community service in his local community and his standing in his local community.

However, the Stewards recognised that these were serious breaches. Cobalt is a substance which has the capacity to enhance performance and the need to police it is paramount to maintaining public confidence in the industry. The Stewards considered the need for both individual and general deterrents and the need to protect the reputation of the industry.

Having considered those matters, the Stewards elected to disqualify the appellant for six months on each charge and directed that the disqualifications be served concurrently.

The appellant appealed to this Tribunal against the penalty imposed.

At this Tribunal, the appellant was represented by Mr Fewings who provided a thorough and detailed submission on his behalf.

In the submission, Mr Fewings painted a picture of the appellant as a man who had served his community in a range of responsible complex and difficult roles over many, many years. He had arisen to positions of trust and responsibility in a number of community organisations and Mr Fewings was able to present personal character references of the highest order in relation to the appellant's community service.

The appellant is to be commended for the work he has done for the betterment of his community.

Mr Fewings also pointed to the appellant's long history in greyhound racing, during which he has had an unblemished record. On that basis, Mr Fewings urged that a disqualification was too harsh a penalty.

In considering penalty the Stewards had recognised that the appellant had not intentionally committed the offence. Mr Fewings submitted that the appellant's failing was perhaps failing to stay up to date with the changing demands placed on licensed trainers, particularly in this instance, with respect to levels of cobalt.

The approach of this Tribunal to cobalt infractions has invariably been to impose a period of disqualification and despite the appellant's outstanding personal background both in the greyhound racing industry and in his community; I cannot depart from that practice. The need to reinforce general deterrents and to protect the reputation of the industry requires that a disqualification be imposed in this case.

So the penalty of six months' disqualification must stand but out of deference to the appellant's long unblemished record in his industry and his exemplary contribution to this community, three months of that disqualification will be suspended on condition that the appellant not offend against either this or a similar rule for a period of two years from this time.

I order that the appellant receive a refund of the applicable portion of the bond.

I order that the disqualification commence at midnight on Tuesday, 18 April 2017.