

DETERMINATION AND REASONS FOR DETERMINATION OF  
THE RACING PENALTIES APPEAL TRIBUNAL

APPELLANT: SHARYN LEE ROBERTS  
APPLICATION NO: A30/08/493  
PANEL: MR D MOSSENSON (CHAIRPERSON)  
MR J PRIOR (MEMBER)  
MR S PYNT (MEMBER)  
DATE OF HEARING: 30 MARCH 2000  
DATE OF DETERMINATION: 30 MARCH 2000

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**IN THE MATTER OF** an appeal by Ms S L Roberts against the determination made by the Western Australian Greyhound Racing Authority Stewards on 2 March 2000 imposing 9 months disqualification for breach of Rule 106 of the Australian Greyhound Racing Rules.

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The appellant represented herself.

Mr C Martins appeared for the Western Australian Greyhound Racing Authority Stewards.

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This is a unanimous decision of the Tribunal.

On 2 March 2000 the Stewards of the Western Australian Greyhound Racing Authority opened an inquiry into an allegation that Ms Roberts had breached Australian Rule 106 and Local Rule 155 of the Rules of Greyhound Racing. The Stewards proceeded with the inquiry on the basis of a letter which they had received from the Australian Racing Forensic Laboratory reporting an irregularity in a urine sample in respect of the greyhound TEIRA JOAN which had competed in Race 3 at Cannington on 27 January 2000. The Stewards after a relatively short inquiry decided to charge Ms Roberts only with the first of the offences and abandoned the second offence.

The particulars of the charge were:

*"...that you Ms Roberts being the trainer of the greyhound TEIRA JOAN which was nominated to compete in an event produced that greyhound to compete in Race 3 at Cannington on 27 January, 2000 and was found by the Stewards upon analysis to contain the drug Caffeine and Caffeine Metabolites contrary to Rule AR106."*

Ms Roberts pleaded guilty to the charge.

Rule 106 of the Australian Greyhound Racing Rules states:

*“The owner, trainer or person in charge of a greyhound nominated to compete in an event, shall produce the greyhound for the event free of any drug.”*

The inquiry continued and eventually the Stewards came to the conclusion in relation to the penalty as follows:

*“We have taken into account all the relevant evidence, including your acknowledgment of the offence, your co-operation, the fact that this is your first drug offence, and the extent of involvement that you have in the industry. However, the detection of a stimulant in a racing greyhound is an extremely serious offence because of the impact it has on the image of greyhound racing and the very real potential it has to erode the confidence of the supporters of the industry who are vital to the wellbeing of the industry. The Stewards have probed as to how the Caffeine and its metabolites appeared in the urine sample and whilst your feeding methods are a concern to the Stewards there is no firm evidence to conclude that this was responsible for the result. The Stewards are therefore left with no explanation as to how the stimulant appeared in the urine sample. In all the circumstances and after considering the range of penalties imposed for previous cases involving Caffeine we believe that the appropriate penalty is a disqualification of nine months.”*

As a consequence of that Ms Roberts appealed to this Tribunal by notice dated 2 March 2000 in relation to the penalty only and not the conviction on the basis that the penalty was excessive.

In the course of presenting argument today Ms Roberts has accepted the fact that:

1. the detection of Caffeine in a greyhound is a serious matter,
2. a disqualification is an appropriate penalty for such an offence, and
3. a 6 month disqualification is an appropriate length of penalty in the particular circumstances of her case.

We have had the benefit of a fairly lengthy argument from both sides in the proceedings. In the course of Mr Martins' submissions, he has presented to us the following list of previous Caffeine offences:

NAME	RULE	DATE	PENALTY	APPEAL RESULT
BLAKENEY T	234(8)	20/05/78	2 Years	Appeal dismissed
BRADSHAW G	234(7)	21/10/97	9 Months	No appeal
COLLARD C R	234(7)	25/04/96	9 Months	No appeal
COLLARD C R	234(7)	07/07/98	2 Years	No appeal*
EDWARDS A	234(6) & (7)	18/12/81	1 Year	Appeal dismissed
EDWARDS D	234(6)	18/12/81	1 Year	Appeal dismissed
FERGUSON C R	234(7)	20/12/96	9 Months	No appeal
FRANKLIN E L	234(7)	01/01/82	1 Year	Appeal dismissed
GRAY A F	234(6)	03/02/79	3 Months	No appeal
JEFFRIES D W	234(7)	04/08/94	6 Months	No appeal
KALTSIS P	234(7)	06/01/97	9 Months	Appeal dismissed
LANGSTON D G	231(1)(d)	22/07/77	3 Years	Reduced to 12 months
McBRIDE R P	234(7)	18/12/91	1 Year	Appeal dismissed
MARTIN R E	231(1)(d)	21/11/90	1 Year	Appeal dismissed**
MILLS K W	234(7)	15/07/98	9 Months	No appeal
NELSON G J	234(7)	13/05/89	1 Year	No appeal

SCERRI I	234(7)	12/04/84	1 Year	Appeal dismissed
SEAMAN G R	234(7)	19/07/76	3 Years	Reduced to 2 years
THOMPSON J M	234(7)	12/06/90	9 Months	Appeal dismissed
TOLHURST R	234(8)(ii)	18/06/75	5 Years	Reduced to 18 months
WATKINS C	234(8)(ii)	06/03/76	2 Years	Reduced to 6 months
YORK L L	234(7)	05/01/79	18 months	Reduced to 6 months

\* Second offence

\*\* Heptaminol also detected

After considering all of the material before us we are satisfied that the appellant has failed to demonstrate any error by the Stewards in imposing the penalty which they did. The Stewards did give detailed reasons for the imposition of the 9 month penalty. In the course of their determination of the matter they considered the range of penalties for first offences in respect of drugs of this nature. The penalty which was imposed when considering the range does not manifest any error. The penalty is consistent with penalties which this Tribunal has previously confirmed, for example in the matter of KALTSIS (Appeal 342). There are no significant mitigating factors in this particular matter that were not apparent in the KALTSIS matter.

In those circumstances we are satisfied that the Stewards have not erred in imposing the 9 month disqualification or that the penalty was in any way manifestly excessive.

Accordingly the appeal is dismissed and the penalty is confirmed.

*D. Mossenson*

DAN MOSSENSON, CHAIRPERSON

