

# **PENALTY GUIDELINES**

**July 2022**



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## Purpose

The purpose of these guidelines is to provide advice to participants about the penalties that may be imposed where a disciplinary action offence is proven.

When the Commission imposes a penalty, it takes into account a number of important considerations including the need to:

- ensure a level playing field for all participants and the betting public;
- ensure that animal welfare is protected in the industry;
- maintain community trust and public confidence in the integrity of greyhound racing;
- deter the individual from committing similar offences;
- deter others in the industry from committing similar offences;
- demonstrate to the industry that the relevant conduct is not acceptable; and,
- ensure any punishment imposed is appropriate and proportionate, taking into account the specific circumstances of the individual and the offence committed.

The penalty ranges suggested in this document are only a guide and are not in any way mandatory. Any aggravating or mitigating circumstances that may exist in each individual case will also be considered. More information on the disciplinary action process can be found in the [Disciplinary Action Guide for Participants](#) on the GWIC website.

## Prohibited Substance Penalties

The guidelines below distinguish three categories of prohibited substances.

### Category 1: Permanently Banned Prohibited Substances

Category 1 substances are those substances referred to in Rule 139 of the Greyhound Racing Rules and include, but are not limited to:

- Anabolic and Androgenic Steroids including testosterone, nandrolone, methandrol, boldenone, stanozolol, HIF stabilisers.
- Illicit and controlled substances such as benzylpiperazine, morphine, buprenorphine, cocaine, amphetamines, methamphetamine, oxycodone, ketamine.
- **Category 1A:** EPO, gonadotropin, corticotropin, growth hormones, ITPP, SARMs.

**Table 1: Category 1 Substances**

MINIMUM STARTING POINT	
A reduction of 25% will be applied to the minimum starting point for an early guilty plea. Penalty will be increased by 50% where the substance is in Category 1A.	
First offence for any prohibited substance	2 year disqualification
One category 1 substance rule breach in previous 3 years	4 year disqualification
Second or subsequent category 1 substance rule breach in previous 5 years	6 year disqualification

## Category 2: Prohibited substances – Stimulants, Depressants, Anti-depressants, Bronchodilators

Category 2 substances are those substances that have a pharmacological effect that is a stimulant, depressant, anti-depressant or bronchodilator, or similar effect, and include, but are not limited to:

- Caffeine and its metabolites theobromine, theophylline and paraxanthine; prolintane, heptaminol, atenolol, sotalol, timolol, alkaloids, xylazine, salbutamol, pentobarbitone and other barbiturates.
- Diazepam, minoxidil, Synephrine, venlafaxine, fluoxetine, pramiracetam, modafinil, ephedrine, meclufenoxate, ethanol, arsenic, cobalt, clenbuterol.

**Note:** Allowable limits apply to some of these substances. Disciplinary action will be initiated only where testing reveals presence of a prohibited substance at a concentration greater than that permitted by the Greyhound Racing Rules.

**Table 2: Category 2 Substances**

MINIMUM STARTING POINT	
<b>A reduction of 25% will be applied to the minimum starting point for an early guilty plea.</b>	
First offence for any prohibited substance	4 month suspension
<b>Note: A trainer who has been registered for more than 10 years without any breaches of rules relating to prohibited substances is eligible for a further 25% discount on the penalty for a first offence after entering an early guilty plea.</b>	
One category 2 substance rule breach in previous 3 years	8 month suspension
Second or subsequent category 2 substance rule breach in previous 5 years	18 month disqualification

## Category 3: Prohibited substances – Painkillers, anaesthetics, other therapeutics

Category 3 substances are those substances that have a pharmacological effect that is a therapeutic, painkiller, anaesthetics, or similar effect, and include, but are not limited to:

- Tramadol, frusemide, dipyrene, metamizole.
- Non-Steroidal Anti-inflammatory Drugs (NSAIDs) including diclofenac, meloxicam, carprofen, ketoprofen, flunixin, piroxicam, tolfenamic acid, firocoxib, phenylbutazone.
- Local anaesthetics such as lignocaine, 3-hydroxylignocaine, bupivacaine, procaine.
- Corticosteroids such as dexamethasone, methylprednisolone, fludrocortisone, prednisolone.
- Anti-cramp or anti-spasmodic muscle relaxants and simple anti-cough medications such as hyoscine, cimetidine, ranitidine, frusemide, pholcodine, guaifenesin, dextromethorphan, quinine.

**Note:** Allowable limits apply to some of these substances. Disciplinary action will be initiated only where testing reveals presence of a prohibited substance at a concentration greater than that permitted by the Greyhound Racing Rules.

**Table 3: Category 3 Substances**

MINIMUM STARTING POINT	
<b>A reduction of 25% will be applied to the minimum starting point for an early guilty plea.</b>	
First offence for any prohibited substance	2 month suspension
<b>Note: A trainer who has been registered for more than 10 years without any breaches of rules relating to prohibited substances will receive a fine for a first time Category 3 offence.</b>	

One category 3 substance rule breach in previous 3 years	6 month suspension
Second or subsequent category 3 rule breach in previous 5 years	12 month suspension

## Other Offences Relating to Prohibited Substances

### Possession of a permanently banned prohibited substance (Rule 139 (6))

It is an offence under Rule 139 (6) to possess, at the premises used in relation to the training or racing of greyhounds, a permanently banned prohibited substance. Examples include those listed above under 'Category 1: Permanently Banned Prohibited Substances'.

**Table 4: Possession of a permanently banned prohibited substance**

<b>MINIMUM STARTING POINT</b> Unless special circumstances can be established	
<b>A reduction of 25% will be applied to the minimum starting point for an early guilty plea. Penalty will be increased by 50% for possession of a Category 1A substance.</b>	
First offence of this nature	12 month disqualification
One rule breach in previous 3 years	2 year disqualification
Second or subsequent rule breach in previous 5 years	3 year disqualification

### Possession of prohibited substance (Rule 148)

It is an offence under Rule 148 to possess, at any place used in relation to the training or racing of greyhounds, a prohibited substance unless that substance has been registered or labelled, or prescribed, dispensed or obtained, in compliance with the relevant State or Commonwealth legislation.

**Table 5: Possession of a prohibited substance**

<b>MINIMUM STARTING POINT</b> Unless special circumstances can be established	
<b>A reduction of 25% will be applied to the minimum starting point for an early guilty plea.</b>	
First offence of this nature	\$200 fine
One rule breach in previous 3 years	\$500 fine
Second or subsequent rule breach in previous 5 years	2 month suspension

### Raceday treatment (Rule 145)

It is an offence under Rule 145 to administer, or cause to be administered, any treatment to a greyhound on the day of a meeting without Stewards' permission, until the greyhound is no longer presented for an Event.

Treatment includes:

- Controlled drugs administered by a veterinarian;
- Prescription animal remedies and prescription only medicines;
- Any injectable substances not already specified in Rule 145;
- Pharmacist only and pharmacy only medicines;
- All veterinary and other substances containing other scheduled and unscheduled prohibited substances

Raceday treatment **does not** include the administration of a prohibited substance or permanently banned prohibited substance. These offences will attract a penalty in excess of those outlined at Tables One to Three above.

**Table 6: Raceday treatment**

<b>MINIMUM STARTING POINT</b> Unless special circumstances can be established	
<b>A reduction of 25% will be applied to the minimum starting point for an early guilty plea.</b>	
First offence of this nature	\$1,000 fine
One rule breach in previous 3 years	2 month suspension
Second or subsequent rule breach in previous 5 years	6 month suspension

### Failing to provide a sample (Rule 156(i))

It is an offence under Rule 156(i) to prevent, attempt to prevent, interfere with or attempt to interfere with the carrying out of a test or examination, including the collection of a sample for the purposes of testing for prohibited substances, without the' permission of a steward or officer of the controlling body.

**Table 7: Failing to provide a sample**

<b>MINIMUM STARTING POINT</b> Unless special circumstances can be established	
<b>A reduction of 25% will be applied to the minimum starting point for an early guilty plea.</b>	
First offence of this nature	5 year disqualification
One rule breach in previous 3 years	7 year disqualification
Second or subsequent rule breach in previous 5 years	10 year disqualification

## Offences Relating to Conduct and Welfare Matters

### Treatment records to be kept (Rule 151)

Under rule Rule 151, all records regarding vaccinations, antiparasitics and medical treatments administered to a greyhound must be kept and retained for a minimum of two years and must be produced for inspection when requested. Keeping of health records is also a requirement under the NSW Greyhound Welfare Code of Practice.

**Table 8: Failure to keep treatment records**

MINIMUM STARTING POINT	
First offence of this nature	\$200 fine
One rule breach in previous 3 years	\$500 fine
Second or subsequent rule breach in previous 5 years	\$800 fine

### Animal Welfare Offences

Without limiting the provisions in the *Greyhound Racing Rules*, any person who commits an animal welfare related offence will be issued with a minimum penalty in accordance with the following Penalties Table. These offences include, but are not limited to:

- A breach of Rule 21(1);
- A breach of Rule 21(2);
- A breach of Rule 156(v);
- A breach of Rule 162(d), 162(e); and 162(f)

**Table 9: Animal welfare offences**

MINIMUM STARTING POINT Unless special circumstances can be established	
First offence of this nature	3 year disqualification
One rule breach in previous 3 years	5 year disqualification
Second or subsequent rule breach in previous 5 years	life disqualification

### Abuse of staff of the controlling body, industry officials

Any person who commits an offence involving abuse towards GWIC staff, industry officials or other participants will be issued with a minimum penalty in accordance with the following Penalties Table. These offences include, but are not limited to:

- A breach of Rule 165;
- A breach of Rule 156(g); and
- A breach of Rule 156(v).

**Table 10: Abuse of staff**

<b>MINIMUM STARTING POINT</b> <b>Unless special circumstances can be established</b>	
<b>A reduction of 25% will be applied to the minimum starting point for an early guilty plea.</b>	
First offence of this nature	9 month disqualification
One rule breach in previous 3 years	3 year disqualification
Second or subsequent rule breach in previous 5 years	5 year disqualification

### Assault of staff of the controlling body, industry officials

Any person who commits an offence involving an assault on GWIC staff, industry officials or other participants will be issued with a minimum penalty in accordance with the following Penalties Table. These offences include, but are not limited to:

- A breach of Rule 156(g); and
- A breach of Rule 156(v).

**Table 11: Assault of staff**

<b>MINIMUM STARTING POINT</b> <b>Unless special circumstances can be established</b>	
First offence of this nature	3 year disqualification
One rule breach in previous 3 years	5 year disqualification
Second or subsequent rule breach in previous 5 years	life disqualification



## **Offences relating to luring and baiting**

Without limiting the provisions in the *Greyhound Racing Rules*, any person who commits an offence relating to luring and baiting under Rule 159 (1) will be issued with a minimum penalty in accordance with the provisions under Rule 159 (1), being **a disqualification for a period of not less than 10 years**, unless a finding of special circumstances is made out.

### **Special Circumstances**

The term “*special circumstances*” is a broad one, and an exhaustive statement of what constitutes special circumstances cannot be made. It describes circumstances that are out of the ordinary, unusual, or uncommon. Special circumstances may include one single special matter, a combination of special factors or a combination of ordinary factors which, when taken together, can be seen as special.

Special circumstances do not include subjective factors such as:

- A very lengthy contribution to the industry;
- Good character; or
- A good disciplinary history.

### **Fit and Proper Person Framework**

Any person disqualified or warned off by the Commission is required to re-apply for a registration under Rule LR178D. The Commission will process any such re-application in accordance with the Commission’s Fit and Proper Person Framework, which can be found [here](#).

## Table of New and Former Rules

The NSW Greyhound Racing Rules as made on 1 May 2022 use different numbers to the Rules formerly in effect. A table detailing new and former numbers of specific Rules referred to in these Guidelines is included below.

Former Rule	Topic	New Rule
79A	Permanently Banned Prohibited Substances	139
79A (7)	Possession of permanently banned prohibited substance	139 (6)
84	Possession of prohibited substance	148
83A	Raceday treatment	145
86(h)	Failing to provide a sample	156(i)
84A	Treatment records to be kept	151 (4)
106 (1)	Proper care and welfare of greyhounds	21 (1)
106 (2)	Proper care and welfare of greyhounds	21 (2)
86 (ac)	Neglect or dishonest practice in breeding or registration of greyhound	156(v)
86 (ae)	(i) Use of gear, equipment or device that inflicts suffering on greyhound or (ii) Has such device in possession	162 (d) 162 (e)
86 (af)	Uses an animal in a manner that constitutes maltreatment, or is improper or illegal	162 (f)
86 (f)	Public comment	165
86 (g)	Assault, obstruct, abuse, threaten, insult or interfere with officer of Controlling Body or club	156(g)
86 (o)	Negligent, dishonest, corrupt fraudulent or improper conduct	156 (v)
86 (b)	Fails to comply with conditions of registration	156 (b)