

STEWARDS DECISION

OFFICE OF RACING INTEGRITY

and

Mr NICHOLAS HOWLETT

Date of hearing:	22 nd November 2023
Stewards Panel:	Ross Neal (Chair); Tracy Canham
Present:	Mr Nicholas Howlett (Respondent)
Rule:	Greyhound Australasia Rule 141(1)(a) <i>The owner, trainer, or other person in charge of a greyhound nominated to compete in an Event must present the greyhound free of any prohibited substance.</i>
Charge:	That Mr Howlett, being the trainer and person in charge of BLACKPOOL POPPY, did present the greyhound to race at a meeting of the Hobart Greyhound Racing Club on Tuesday 23 rd May 2023 when not free of a prohibited substance, namely, <i>Benzoyllecgonine</i> .
Plea:	Denied

1. Background

- (a) The Respondent, Mr Howlett is a licensed greyhound trainer based at Richmond, Tasmania.
- (b) On Tuesday 23rd May 2023 Mr Howlett entered BLACKPOOL POPPY for Race 2 at a meeting of the Hobart Greyhound Racing Club at Elwick Racecourse.

- (c) BLACKPOOL POPPY was selected for a pre-race urine sample which was obtained and given the unique number V801258.
- (d) BLACKPOOL POPPY competed in Race 2 and was unplaced.
- (e) On Thursday 22nd June 2023 Racing Analytical Services Ltd advised that sample number V801258 had returned an adverse result to the prohibited substance *Benzoylecgonine*.
- (f) On Monday 24th July 2023, the Australian Racing Forensic Laboratory of *Benzoylecgonine* in sample V801258.

2. Respondents Submissions

- 2.1 When addressing the panel Mr Howlett produced a statutory declaration from an associate attesting that they were a regular user of cocaine, and that on the morning of the 23rd of May 2023 they had attended Mr Howlett's property where BLACKPOOL POPPY had licked his fingers. This person was not present at the inquiry before the Stewards.
- 2.2 Mr Howlett relied on this explanation as the reason for the adverse sample result.

3. Decision

- 3.1 Having regard to all circumstances the charge was found proved. Mr Howlett was the person in charge of the greyhound and was required to present the greyhound free to race of a prohibited substance, which, on this occasion, he did not.

4. Penalty Considerations

- 4.1 Turning to the matter of penalty the Stewards are cognisant of the following Sentencing Principles –
 - (i) That penalties are designed to punish the offender for his/her wrongdoing. They are not meant to be retributive in the sense that the punishment is disproportionate to the offence, but the offender must be met with a punishment.
 - (ii) That in a racing context it is very important that a penalty has the effect of deterring others from committing similar offences through the consideration of both general and specific deterrence.
 - (iii) That penalties imposed upon those offending the prohibited substance rules should reflect the industry's disapproval of drugs being detected in greyhounds.

5. Outcome

- 5.1 When assessing penalty, the Stewards are mindful of penalties imposed for similar breaches both in Tasmania and Interstate.
- 5.2 We find that the appropriate penalty for this breach should be a suspension of Mr Howlett's trainers' licence and that the starting point for such should be 12 months.
- 5.3 In reaching this quantum of penalty we note that while this is Mr Howlett's first breach of the prohibited substance rules he nonetheless had only been licensed for a very brief time prior to the offence occurring. This is factor does not assist Mr Howlett.
- 5.4 However, the Stewards note that in the period subsequent to the notification of the adverse sample result, Mr Howlett has not similarly offended. Some credit must be afforded this factor.
- 5.5 Having considered all relevant factors we find that a suspension of Mr Howlett's licence for 12 months is appropriate, with six months being wholly suspended for two years. This to hold him accountable for his actions during this period and encouraging him to comply with the requirements of the rules. The suspension being effective midnight 30th November 2023.

6. Disqualification Of Greyhound

- 6.1 Pursuant to GAR 141(4) BLACKPOOL POPPY is disqualified from Race 2, the Hobart Greyhound Racing Club on Tuesday 23rd May 2023

Decision Date: 22nd November 2023