

RACING APPEALS TRIBINAL

QUEENSLAND

NOTICE OF DECISION

APPEAL NO	RG005-09
DATE	27 August 2009
APPELLANT	Nathan Bryan GOODWIN
RESPONDENT	Greyhound Racing Authority
APPEARANCES	Mr Trevor Kyle, Solicitor, appeared on behalf of the Appellant Mr Zac Bryson, Steward, appeared on behalf of the Respondent
DECISION BEING APPEALED	3 months' suspension and \$2000 fine

REASONS FOR DECISION - Amended

Mr Leo Williams AO, Chairman

This is an appeal by Mr Nathan Goodwin against the severity of a sentence imposed on him by the Stewards following conviction for a breach of Rule 83(2)(a)(d) in that he presented a greyhound at a meeting at a time when it had in its system a prohibited substance, namely Methyltestosterone. The substance showed up on a post-race swab.

Methyltestosterone is a prohibited substance within the meaning of the Rule.

Mr Kyle, representing the appellant, pressed the Tribunal to accept the explanation given by the appellant, namely that the process of feeding of the dog in question (Thanks Mick) had led to a mistake whereby it had received a feed intended for a female dog. The principal use of the drug in question is to regulate female dogs. The drug in question is administered under the brand name "~~Nanderol~~" Canitone" and

comes in tablet form Mr Goodwin was not able to produce the tablets to the stewards as he stated he had thrown them away

The Stewards obviously had some difficulty in accepting the appellant's explanation that the presence of the drug occurred by accident but made no specific findings in this regard. None were really necessary as the appellant had admitted the presence of the substance.

Mr Kyle was critical of the Stewards for imposing the penalty of 3 months' suspension together with a fine of \$2000 on the basis that they had not sufficiently taken account of either the effects of the drug and its potential use or of the antecedents of the appellant in respect of his previously good record.

Mr Goodwin's record is indeed clean, having been a trainer for 17 years and involved in or about various forms of the racing industry for quite a long time.

Looking at the penalty as it stands and having regard to comparative penalties for like offences, it is the view of the Tribunal that the Stewards have acted reasonably. They have suspended, not disqualified, the appellant for a period of 3 months rather than 6 months, and have imposed a fine which is not excessive, having regard to the nature of the drug and its potential effect on the animal in question.

It is therefore the Tribunal's conclusion that the appeal be dismissed and the deposit forfeit.

Leo Williams AO
Chairman
