

# DECISION

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**INQUIRY NUMBER:** EXP 014, of 2019  
**PARTICIPANTS:** Mr Jarrad Dale  
**PANEL MEMBER(S):** Mr Adrian Anderson (**Steward**)  
**DATE OF DECISION:** 11 July 2019

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1. This decision is part of an ongoing Inquiry primarily into the unauthorised export of greyhounds to Macau and China. The Inquiry is chaired by myself as a steward appointed under the GRNSW Greyhound Racing Rules (**Rules**).
2. This decision concerns Jarrad Dale, who has pleaded guilty to one charge of a breach of Rule 117(1) of the rules.
3. Mr. Dale was the owner of a greyhound called El Gibbo from about December 2011 when the greyhound was whelped.
4. In the course of this ongoing Inquiry, evidence became available to me that indicated that El Gibbo was in China.
5. In response to a direction letter sent to him in October 2017, Mr. Dale disclosed that he sold El Gibbo as a giveaway on the Greyhound Data website in about May 2014. He says that he signed a transfer form and send it to the new owner to sign and to forward to Greyhound Racing New South Wales.
6. Rule117(1) relevantly provided:

On the sale or disposal of a named greyhound the transfer or shall –

within 10 days lodged with the Controlling Body a prescribed transfer of ownership form.
7. In turn, "Schedule 1 – Prescribed Forms" of the Rules describes Form "H" as "Change/transfer of ownership of a greyhound in accordance with GAR 117".
8. Mr. Dale pleads guilty to a charge that he failed to lodge a prescribed transfer of ownership form following the transfer or disposal of a named greyhound, El Gibbo.
9. Having regard to the evidence contained in the Brief of Evidence provided to Mr Dale and his plea of guilty to the charge, in the absence of any evidence of the submission of a Form H with respect to the transfer of El Gibbo, I find Mr Dale guilty as charged.
10. As I understand the practice at the relevant time, which I have been informed about from a number of participants, including Mr Dale, it was usual practice for the transferee of the greyhounds to obtain the signature of the transferor of the greyhound on a single copy of Form H. It was then the understanding of the transferor that the transferee would submit that copy of the signed form together with the prescribed fee to effect the change to the records of GRNSW, as Mr Dale describes.
11. Notwithstanding this practice, Rule 117(1) required the transferor, not the transferee, to lodge a form. Concomitantly, Rule 117(2) required the transferee, not to transferor, to lodge a form with the signature of the transferor and the prescribed fee to the Controlling Body.

12. I accept that, in the ordinary course, the obligation of the transferor under Rule 117(1) would be fulfilled by the lodgment of this form by the transferee under Rule 117(2), but, in the event that the transferee failed to lodge the relevant form, the transferor would themselves be in breach of the Rules.
13. By Rule 92(4), I am required to have regard to the following matters in reaching a decision as to penalty:
  - (a) the character and antecedents of the person charged;
  - (b) the nature of the breach and the circumstances in which it was committed, in particular, the seriousness of the breach and any negligence, recklessness or indifference of the person charged;
  - (c) whether the person has denied or admitted the charge.
14. Mr Dale has an unblemished record whilst holding a GRNSW licence. He has pleaded guilty to the charge at the earliest opportunity and has cooperated with the Inquiry at all times.
15. It is of critical importance to the welfare of greyhounds and the integrity of the greyhound racing industry that correct and appropriate records of the location and ownership of greyhounds is maintained by the Controlling Body. Failure to lodge a form may, to some, seem to constitute a trivial breach of the Rules, but it is in fact essential for the integrity of the industry as a whole. Mr Dale's neglect in failing to ensure the form required under the Rules had been lodged resulted in the Controlling Body having incomplete information about the location and circumstances of El Gibbo leading to a risk to the welfare of the greyhound.
16. In my opinion, a fine of \$150 is appropriate to remind Mr Dale and those in the industry generally the requirement to lodge the necessary forms with the Controlling Body.
17. Finally, it is necessary to deal with a submission from Mr Dale that a suppression order be placed over this decision given the length of time since the offence and the delay in investigation and charging of him. In my opinion, it is not appropriate to suppress this decision. Rather, it is important to publish this decision so that participants in the greyhound racing industry in New South Wales are aware that the Rules can and are being enforced by regulatory authorities.



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Mr Adrian Anderson

Steward