

PENALTY DECISION



INQUIRY NUMBER:	EXP 055, of 2019
PARTICIPANTS:	Ownership Group (ID: 106862), comprised of two 50% owners, Scott Wayne Mangold and Paul Mangold
PANEL MEMBER(S):	Mr Paul Marks (Steward)
DATE OF DECISION:	11 May 2020

Introduction

1. This decision is part of an ongoing Inquiry primarily into the unauthorised export of greyhounds to Macau and China. This Inquiry is chaired by myself as a steward appointed under the GRNSW Greyhound Racing Rules (**Rules**).
2. This decision concerns Ownership Group ID: 106862 which is comprised of Scott Wayne Mangold and Paul Mangold (**Syndicate 106862**), who have been charged with failing to lodge a prescribed transfer of ownership form following the transfer or disposal of a named greyhound in breach of Rule 117(1).
3. Rule 117(1) relevantly provided:

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

...

within 10 days lodge with the Controlling Body a prescribed transfer of ownership form.
4. 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".

Consideration

5. Syndicate 106862 has failed to enter a plea to the charge against them, as set out in a Notification of Charge sent to Syndicate 106862 and dated 1 August 2019. For this reason, this matter has been treated as though Syndicate 106862 has entered a plea of not guilty.
6. Syndicate 106862 was the owner of a greyhound named 'Beautiful Smile' from 16 October 2008. Syndicate 106862 remains the last registered owner of 'Beautiful Smile'.
7. OzChase records show that Syndicate 106862 remains registered as the owner of 'Beautiful Smile', despite evidence provided to Syndicate 106862 in the brief of evidence which suggests, and I am satisfied of the fact, that 'Beautiful Smile' was disposed of and relocated to China.
8. There is no material in the brief which explains how 'Beautiful Smile' came to be relocated from Australia to China.

9. I am persuaded given the evidence before me (namely that Syndicate 106862 remains the registered owner of 'Beautiful Smile') that Syndicate 106862 failed to lodge a Form H within 10 days after they sold or disposed of 'Beautiful Smile'.
10. Accordingly, I find Syndicate 106862 guilty of a breach of Rule 117(1).

Penalty

11. 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 to the charge.
12. Syndicate 106862 is taken to have pleaded not guilty, and shall receive no discount for an early plea of guilty.
13. Both Scott Wayne Mangold and Paul Mangold have no prior findings of being in breach of Rule 117(1). I take this into account.
14. 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 proper regulation of the industry. Scott Wayne Mangold and Paul Mangold's neglect in failing to ensure that the form required under the Rules had been lodged resulted in the Controlling Body having incomplete information about the ownership of the greyhound.
15. In my opinion, it is appropriate to fine Syndicate 106862 the amount of \$175.
16. It is worth noting in these reasons that since December 2017, participants who sell greyhounds which are then exported may be at risk of breaching their obligations under Rule 124A, which provides:
 - (a) *A person shall be in breach of the rules if the person sells or otherwise transfers ownership or custody of a greyhound to another person in circumstances where they are or ought to be aware that the greyhound will be, or is likely to be exported.*
 - (b) *A person will not be in breach of sub-rule (a) if the person has, prior to selling or transferring ownership or custody of the greyhound, taken adequate steps to ensure that the provisions in R124(1) have been, or will be, complied with by the intended recipient of the greyhound, by obtaining from the intended recipient:*
 - (i) *A copy of the written request from the intended recipient to Greyhounds Australasia for a greyhound passport and certified pedigree in respect of the relevant greyhound; and*
 - (ii) *A written response from Greyhounds Australasia confirming that such a passport and certified pedigree has been, or will be issued.*
 - (c) *Sub-rule (a) does not apply to exports where a passport is not required.*



Mr Paul Marks

Steward