

PENALTY DECISION



INQUIRY NUMBER: EXP 082, of 2019
PARTICIPANTS: Milorad Stegnjaic

PANEL MEMBER(S): Mr Paul Marks (**GRNSW appointed Steward**)

DATE OF DECISION: 15 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, Milorad Stegnjaic who has 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) of the Rules.
3. Mr Stegnjaic was the owner of a greyhound named Exclusive One on 7 January 2013 and remains the last registered owner of Exclusive One.

Rules

4. 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.
5. 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".

Evidence

6. In a response received on 27 March 2018 to a Direction Letter sent to him, Mr Stegnjaic informed this Inquiry that Exclusive One was sold to Leo Yiwen Xi and he understands that Mr Xi exported Exclusive One to China. Mr Stegnjaic did not indicate whether a signed Form H transfer document was provided to Mr Xi at the time of sale.
7. OzChase records show that Mr Stegnjaic remains registered as the owner of Exclusive One.
8. Other investigations of this Inquiry have determined that Yiwen Xi was commonly known as Leo, and he has been found guilty of this Inquiry of a number of breaches of the Rules (see the decisions of 24 April 2018 and 1 August 2019).
9. Evidence contained in the brief and in the brief relating to Yiwen Xi satisfies me that Exclusive One has been exported to China.

The Plea

10. On 13 May 2020, Mr Stegnjaic entered a plea of guilty to the charge against him, as set out in a Notification of Charge sent to Mr Stegnjaic and dated 14 April 2020.

Penalty

11. I turn then to consideration of an appropriate penalty for Mr Stegnjaic's failure to comply with the Rules.
12. 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 charge.
13. Mr Stegnjaic has pleaded guilty at an early opportunity, and shall receive the full discount for that early plea of guilty.
14. Mr Stegnjaic has no prior findings of being in breach of Rule 117(1). I take this into account.
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 proper regulation of the industry. Mr Stegnjaic'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.
16. In my opinion, it is appropriate to fine Mr Stegnjaic \$100.
17. 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