

GREYHOUND WELFARE & INTEGRITY COMMISSION

DISCIPLINARY ACTION DECISION

Date of decision:	19 July 2022
Decision-makers:	Acting Chief Commissioner, Chris Wheeler and Commissioner, Peter Collins.
Name of relevant person:	Mr Kevin Baker
Track:	N/A
Date:	8 January 2022
Rule no.:	Rule 106(1)(d) & Rule 106(2)
Charges:	(1) Mr Baker did not provide veterinary treatment to a greyhound when necessary; (2) Mr Baker failed to exercise reasonable care and supervision in order to prevent the Greyhound's unnecessary pain or suffering.
Disciplinary action taken:	(1) To disqualify Mr Baker for 12-months; (2) Not proven.

BACKGROUND

1. Mr Baker was, at all relevant times, a registered Owner Trainer with the Commission and is the registered owner of the greyhound 'Arrogant One' ("**Greyhound**").
2. On 8 January 2022, the Greyhound fell into a hole in a fenced yard at Mr Baker's registered kennel premises.
3. Following the injury, Mr Baker bandaged the Greyhound's hock and contacted the Greyhound Racing NSW Scratching Line seeking advice. Mr Baker was advised that the Scratching Line of GRNSW does not address welfare incidents.
4. Mr Baker brought the Greyhound into his home but did not believe she was in pain as she was still eating. Mr Baker observed that the Greyhound was not weight bearing and that the hock was swollen.
5. At some stage following the Greyhound suffering the injury, Mr Baker drove to the Shell Service Station in Mudgee to purchase a bag of ice, to subdue some of hock's swelling.
6. Between 8 January 2022 and 11 January 2022, Mr Baker provided the Greyhound with Aspirin every two hours. Mr Baker also rubbed an anti-inflammatory/pain relief gel on the Greyhound's hock.

7. On 10 January 2022, Mr Baker contacted the Commission and informed a Commission staff member that the Greyhound had injured its left rear hock on 8 January 2022.
8. Later that day, Mr Baker was contacted by A/ Deputy Chief Inspector Barrow who gave a verbal and written direction to have the Greyhound seen by a veterinarian.
9. Mr Baker presented the Greyhound to Mudgee Vet Hospital at 104 Market Street on 11 January 2022 at about 11.00am.
10. Dr Eloise Bartlett attended to the Greyhound and made the following observations;
 - a. The Greyhound was bright and alert;
 - b. 4/5 – 5/5 lameness, meaning just toe touching and occasional hopping;
 - c. Bruising, discolouration, and inflammation of the hock most prominent on the medial aspect of the greyhound left hind hock, extended from the inguinal region to below the hock;
 - d. The left rear hock had slightly ‘dropped’ or was noted to be more plantar appearance in comparison to the right.
11. Dr Bartlett conducted a musculoskeletal examination of the left rear hock, which r concluded that the Greyhound had sustained a left rear hock fracture and was experiencing significant pain when ambulating. Dr Bartlett did not require any further imaging to conclude her diagnosis. Dr Bartlett’s prognosis was that return to function without ongoing pain was poor.
12. Following a discussion with Dr Bartlett as to the Greyhound’s diagnosis, the Greyhound was medically euthanised at about 12.00pm on 11 January 2022
13. On 1 February 2022, Mr Baker was interviewed by way of a telephone recorded interview by Inspector Tony Hitchcock regarding the Greyhound and the incident.

DECISION:

14. On 17 June 2022 Mr Baker was issued with a notice of charge and proposed disciplinary action (“**Notice**”) in relation to the charge, setting out the proposed disciplinary action to be taken and the grounds in support of that proposed disciplinary action. In the Notice, the decision makers charged Mr Baker with two breaches of the Greyhound Racing Rules, being Rule 106(1)(d) and Rule 106(2) which respectively read:

Rule 106(1)(d), Rules¹

A registered person must ensure that greyhounds, which are in the person’s care or custody, are provided at all times with-

...

(d) veterinary attention when necessary.

¹ Being the applicable rule in force at the time of the alleged offence. Rule 21(d) of the Greyhound Racing Rules as implemented on 1 May 2022 is the current rule.

Rule 106(2), Rules²

A registered person must exercise such reasonable care and supervision as may be necessary to prevent greyhounds pursuant to the person's care or custody from being subjected to unnecessary pain or suffering.

15. The decision makers invited Mr Baker to attend a hearing on 5 July 2022 to enter a plea and make submissions in relation to the charges and the proposed disciplinary action.
16. On 1 July 2022 Mr Baker was reissued the Notice via post and his hearing was postponed until 19 July 2022.
17. On 19 July 2022 Mr Baker attended the scheduled hearing with the decision makers. Mr Baker entered a plea of guilty to Charge 1 and not guilty to Charge 2 and made verbal submissions.
18. In considering the matter, the decision makers reviewed the brief of evidence, as well as Mr Baker's plea and submissions. The decision makers found Charge 1 proven and determined to withdraw Charge 2. They took the following disciplinary action against Mr Baker:

Charge 1 (Rule 106(1)(d)): To disqualify Mr Baker for 12-months and

Charge 2 (Rule 106(2)): Charge not proven.

19. In taking this disciplinary action, the decision makers considered all evidence, including:
 - Greyhound racing penalty precedents in NSW;
 - The length of time Mr Baker has been involved in the greyhound racing industry, being since 1975, a period of approximately 47 years;
 - Mr Baker's submissions in respect to his attempts to prevent the Greyhounds unnecessary pain or suffering, including but not limited to; making persistent attempts to contact nearby veterinary practises, icing the leg, providing aspirin every two hours, rubbing the injury with pain relief, bringing the greyhound into his residence, and ensuring the Greyhound was comfortable. These factors were considered substantial enough to find Charge Two not proven, given Mr Baker's reasonable prevention of unnecessary pain or suffering.
 - Mr Baker's willingness to communicate and comply with the Commission, by contacting GWIC as soon as practicable after the incident of 8 January and complying with A/ Deputy Chief Inspector Shaye Barrow's directions issued on Monday 10 January 2022.
 - Mr Baker's sincere remorse and accountability for his actions.

² Being the applicable rule in force at the time of the alleged offence. Rule 21(2) of the Greyhound Racing Rules as implemented on 1 May 2022 is the current rule.

- Despite the mitigating circumstances taken into account by the decision makers, Mr Baker's personal situation cannot wholly excuse his welfare responsibility to the Greyhound. Mr Baker's culpability was dependent upon his failure to obtain veterinary treatment, as although he allegedly sought treatment and provided reasonable care to prevent additional suffering, more immediate presentation to a veterinary practice was necessary to comply with the Rules.

20. In determining the appropriate penalty for Charge One, the decision makers had regard for previous disciplinary matters heard by the Commission, and the Racing Appeals Tribunal breaches of the same Rules, including *Cartwright*, *McDonald* and *Weekes* but note that all future matters will be met with penalties guided by the penalty guidelines which were brought into effect on 1 January 2022.

.....End.....