



GREYHOUND WELFARE & INTEGRITY COMMISSION
DISCIPLINARY ACTION DECISION

Date of decision:	13 May 2021
Decision-makers:	Director Compliance & Legal Services, Matthew Tutt, Chief Inspector, David OShannessy and Senior Steward, Dean Degan
Name of relevant person:	Mr Kevin Baker
Track:	N/A – non meeting
Date:	11 June 2020
Rule no.:	Rule 86(ag)
Regulation:	Clause 10(2) of the <i>Greyhound Racing Regulations 2019</i> (NSW)
Charges:	(1) Mr Baker failed to comply with clauses 5, 6, 10 and 12 of the <i>GWIC Greyhound Re-homing Policy</i> dated 1 December 2019 (and amended 16 April 2020); (2) Mr Baker failed to comply with Clause 10(2) of the <i>Greyhound Racing Regulations 2019</i> (NSW).
Disciplinary action taken:	Charge 1: To suspend Mr Baker’s Owner Trainer and Breeder registration for a period of 12 weeks; and Charge 2: To issue a formal warning, having regard to the penalty imposed for Charge 1.

DECISION:

1. Mr Baker was, at all material times, a registered greyhound owner trainer and breeder.
2. Mr Baker was, at all material times, the owner and trainer of the greyhound ‘Laurie’s Thunder’ (“**Greyhound**”).
3. On 11 June 2020 the Greyhound was presented to the Merriwa Veterinary Surgery by Mr Baker to be euthanased.
4. Prior to the euthanasia of the Greyhound, Mr Baker did not make any attempt to rehome the Greyhound in accordance with clause 5 of the *GWIC Greyhound Re-homing Policy* dated 1 December 2019 (and amended 16 April 2020) (“**Policy**”).
5. Mr Baker failed to notify the Commission of the details relating to the surrender of the Greyhound using the form approved by the Commission, being a *Notification of Intent*

to *Euthanase* form and completed *Greyhound Re-homing Certificate* fourteen (14) or more days before the Greyhound was euthanased, in breach of clause 10 of the Policy.

6. Mr Baker failed to lodge a completed *Euthanasia of Greyhound Notification* form within 2 days of the euthanasia of the Greyhound, in breach of clause 12 of the Policy and Clause 10(2) of the *Greyhound Racing Regulations 2019* (NSW) ("**Regulations**").
7. The Commission charged Mr Baker under Rule 86(ag) and Clause 10(2) of the Regulations, which read:

Rule 86(ag), Rules

A person (including an official) shall be guilty of an offence if the person-

...

(ag) fails to comply with a policy adopted by a Controlling Body;

[A "**person**" is defined in Rule 1 as any person or body corporate whether registered by the Controlling Body or not.]

Clause 10(2), Regulation

(1) A greyhound racing industry participant who owns or keeps a greyhound must, in accordance with this clause, provide the following information to the Commission-

...

(b) if there is a change in the ownership of the greyhound – details of the change of ownership,

(c) if there is a change in the premises at which the greyhound is ordinarily kept – details of the change of premises,

...

(2) If the Commission approves a manner or form for providing information required by this clause, the information must be provided in the approved manner or form.

(3) A greyhound racing industry participant who is required to provide information to the Commission under this clause must do so-

...

(a) in the circumstances referred to in subclause (1)(c) – not more than 3 days after the change of premises,

8. Mr Baker denied the charges, provided written submissions and requested an oral hearing which was conducted over the telephone.
9. The Commission found the charges proven and took the following disciplinary action against Mr Baker:

Charge 1 (Rule 86(ag)):

To suspend his trainer registration for a period of 12 weeks;

Charge 2 (Clause 10(2), Regulations): To issue a formal warning, having regard to the penalty imposed for Charge 1.

10. In taking this disciplinary action, the Commission considered all evidence, including:

- Mr Baker has held a registration in the greyhound racing industry since 1975, approximately 46 years and for this reason reduced the ultimate penalty;
- Mr Baker has no like matters in his disciplinary history;
- NSW greyhound racing precedents;
- Mr Baker's submissions in mitigation of penalty; and
- The decision-makers also considered that euthanasing a greyhound contrary to the conditions of the *GWIC Greyhound Re-homing Policy* is a serious matter and a penalty involving an actual suspension is warranted even when weighing up Mr Baker's lack of history over many years in the industry.

.....End.....