



GREYHOUND WELFARE & INTEGRITY COMMISSION

DISCIPLINARY ACTION DECISION

Date of decision:	1 February 2022
Decision-makers:	Director Compliance, Policy & Legal, Matthew Tutt, Director Race Day Operations & Integrity, Wade Birch, and A/Deputy Chief Inspector, Shaye Barrow
Name of relevant person:	Mr Gary Wilton
Track:	The Gardens
Date:	1 May 2021
Rule no.:	Rule 86(o), Rule 86(q), Rule 106(2)
Charge(s):	<p>(1) On 1 May 2021 Mr Wilton did a thing that was improper and/or constituted misconduct towards the greyhound ‘Jimmy Joe’ (“Greyhound”).</p> <p>(2) On 1 May 2021 Mr Wilton engaged in conduct that was detrimental to the interest, welfare, image, control or promotion of greyhound racing.</p> <p>(3) On 1 May 2021 Mr Wilton failed to exercise reasonable care and supervision as necessary to prevent a greyhound in his care and custody from being subjected to unnecessary pain and suffering.</p>
Disciplinary action taken:	<p>Charge 1: 4-month suspension;</p> <p>Charge 2: Not proven; and</p> <p>Charge 3: Not proven.</p>

On 11 October 2021 Mr Wilton was issued with a notice of proposed disciplinary action (“Notice”) setting out the proposed disciplinary action to be taken and the grounds in support of that proposed disciplinary action.

Evidence, plea and submissions

Mr Wilton was provided with a brief of evidence along with the Notice. In addition, a summary of the evidence was contained in the Notice.

The decision makers charged Mr Wilton with three offences under the GWIC Greyhound Rules (“Rules”) which respectively read:

Rule 86(o) and (q)

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

- (o) *has, in relation to a greyhound or greyhound racing, done a thing, or omitted to do a thing, which, in the opinion of the Stewards or the Controlling Body, as the case may be, is negligent, dishonest, corrupt, fraudulent or improper, or constitutes misconduct*
- ...
- (q) *commits or omits to do any act or engages in conduct which is in any way detrimental or prejudicial to the interest, welfare, image, control or promotion of greyhound racing-*

Rule 106(2)

- (2) *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.*

Mr Wilton provided submissions and an election notice, as well as a statement from another participant who was present at The Gardens on 1 May 2021.

Mr Wilton pleaded guilty to Charge One but did not accept the Charge as it was particularised. Mr Wilton pleaded not guilty to Charges Two and Three and provided written submissions in relation to all charges. The submissions stated, in summary:

- His plea of guilty in relation to Charge One related to an admission of using the word ‘*bullshit*’, again noting his extreme frustration with the situation;
- He stated that he did not tap the Greyhound on the face, yank him hard by his collar, nor did he slap the Greyhound on the head;
- He provided a summary of the events of the night; noting that due to COVID-19 restrictions, he was the last attendant to enter the kennels and that when the ‘stirrer’ was started, he still had to get the Greyhound ready to race;
- He stated that he was unable to rug the dog whilst the hare was going, and was rushing to get the Greyhound rugged, ready and back in the kennels; noting his frustration and stress with the situation;
- He stated that the only thing he is guilty of is using the word “*bullshit*” during the inquiry by the stewards pertaining to the alleged incident;
- He submitted that the proposed penalty in relation to Charge 1, being a 4-month suspension, was not appropriate;
- He submitted that he had been involved in the industry for over 50 years and held a registration for approximately 38 years;
- He noted his distress at the charges, and remains extremely stressed and worries about the welfare and short and long-term futures of his current litters;

- He submitted that if he was suspended, he would have no concerns in regard to racing and training greyhounds, but would remain concerned about the welfare of his current three litters;
- He submitted his genuine concern and care for all of his animals, noting his amazing bond with his greyhounds, house-yard dogs and multiple birds; and stated that he has never and would never commit unnecessary pain and suffering to any of his animals;
- He submitted that the proposed penalty be reconsidered and that a fairer penalty should be imposed in relation to the alleged incident.

The decision makers considered Mr Wilton's plea and submissions and made the following determination.

DECISION:

1. Mr Wilton is a registered greyhound trainer and the trainer of the greyhound 'Jimmy Joe' ("Greyhound").
2. On 1 May 2021 Mr Wilton attended The Gardens with the Greyhound, who had been nominated to compete in race 4 that day.
3. Prior to the race, Mr Wilton was trying to rug the Greyhound in the kennelling block. The Greyhound was not cooperating during this process.
4. During the process of rugging the Greyhound, Mr Wilton tapped the Greyhound on the face and yanked him hard by the collar.
5. Mr Wilton slapped the greyhound on the head and told him to "*knock it off*".
6. While the race meeting was still in progress, Mr Wilton attended an inquiry with Senior Steward Dean Degan (by telephone), Steward Shane O'Shea, Steward Louise Warren and Track Attendant Donna Richards regarding Mr Wilton's actions towards the Greyhound in the kennelling block. During this interview:
 - Mr Wilton said "*I remember the last smack. I remember pulling him by the collar 'cause he was trying to run out the door and I had the rug up on him*".
 - When Ms Warren told the inquiry that she observed that "*you whacked the dog really hard*", you said "*bullshit*".
 - When Ms Warren then told the inquiry that you told the Greyhound to "*knock it off*", you again said "*bullshit*".
7. Mr Wilton was reprimanded under Rule 86(g) for the language he used during the course of the inquiry.
8. The decision makers found Charge One proven as particularised and found Charges Two and Three not proven. The decision makers took the following disciplinary action against Mr Wilton:

Charge 1 (Rule 86(o))	To suspend him for a period of four months;
Charge 2 (Rule 86(q))	Charge not proven; and
Charge 3 (Rule 106(2))	Charge not proven.

9. In taking this disciplinary action, the decision makers considered all evidence, including:
 - The length of time Mr Wilton has been in the industry, being a period of approximately 50 years, having held a registration for 38 of those years;
 - Mr Wilton's disciplinary history – he does not have any like matters on his record;
 - Mr Wilton's plea of guilty to Charge One, noting that he did not accept the charge as particularised; and
 - Mr Wilton's submissions in relation to the matter, including in relation to the circumstances of the offending and his remorse for his frustration on the night in question.
10. The decision makers acknowledge that Mr Wilton's submissions stated that he did not tap or slap the Greyhound, nor yank it by its collar. However, this is in contrast with Mr Wilton's statements during the inquiry on the night of 1 May 2021, in which he was asked by Steward O'Shea "*You did yank him with the lead*" to which Mr Wilton replied "*Oh yeah, yes I did... I had him by the collar actually...*". Mr Wilton also stated to Inspector Barrow on 8 July 2021 "*...I was pulling him back by the collar... he was wanting to go one way and I was wanting him to go the other...*"
11. The decision makers considered the competing evidence of Mr Wilton and the reference from the participant in conjunction with the evidence of the track attendant and Steward Warren. Ultimately, the decision makers preferred the evidence of the track attendant and Steward Warren and accordingly found Mr Wilton guilty to the charge as particularised.
12. The Commission has stated in the past that animal welfare matters are matters that the Commission treat seriously. Section 11 of the *Greyhound Racing Act 2017* (NSW) lists the first principal objective of the Commission being "*to promote and protect the welfare of greyhounds*". This objective, enshrined in legislation, requires the Commission to consider seriously any and all matters that relate to the welfare of greyhounds, and for this reason the Commission may impose significant penalties on participants found in breach of the Rules.

.....End.....