

GREYHOUND WELFARE & INTEGRITY COMMISSION
DISCIPLINARY ACTION DECISION

Date of decision: 8 July 2021

Decision-makers: David OShannessy, Chief Inspector, Dean Degan, Senior Steward & Alice Stafford, Acting Senior Legal Officer

Name of relevant person: Mr Rodney McDonald

Track: N/A

Date: 17 February 2019 – 15 June 2020

Rule no.: Rule 106(1)(d); Rule 106(2); Rule 84A; Clause 10, Regulations

Charge(s):

- (1) Mr McDonald failed to provide veterinary treatment to a greyhound;
- (2) Mr McDonald failed to seek medical treatment or pain relief for an injury sustained by a greyhound which inflicted undue suffering on that greyhound;
- (3) During an inspection of his property, Mr McDonald was not able to provide any medical records in relation to a greyhound;
- (4) Mr McDonald failed to comply with Clause 10 of the *Greyhound Racing Regulations 2019* (NSW).

Disciplinary action taken:

- Charge 1:** 6-month disqualification, with commencement deferred under Rule 95(5) until 12 July 2021
- Charge 2:** Formal warning/ reprimand
- Charge 3:** Fine of \$150.00
- Charge 4:** Formal warning/ reprimand

DECISION:

1. Mr McDonald was a registered trainer at all material times.
2. On or about 17 February 2019, the unnamed greyhound (microchip number: 956000000616207) ("**Greyhound**") was whelped at the registered property of Mr McDonald.

3. On 1 June 2020, Mr McDonald rehomed the Greyhound. Mr McDonald did not advise the Commission that the Greyhound had been rehomed until 6 August 2020.
4. At the time of re-homing the Greyhound was determined to have an unusual gait.
5. The Greyhound was examined by a veterinarian and confirmed to have had an unusual gait as a result of an inappropriately healed old fracture. The assessing veterinarian advised that the fracture would have required veterinary treatment and pain relief at the time of the injury.
6. GWIC Inspectors interviewed Mr McDonald in relation to the Greyhound. Mr McDonald could not provide any evidence of having the Greyhound assessed or treated by a veterinarian. Mr McDonald was also not able to produce any medical records in relation to the Greyhound.
7. The Commission charged Mr McDonald with four (4) offences under Rule 106(1)(d), Rule 106(2), Rule 84A and Clause 10 of the Regulations respectively, which read:

Rule 106:

- (1) 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.
...
- (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.
...
- (5) An owner or person responsible at the relevant time who fails to comply with any provision of this rule shall be guilty of an offence and liable to a penalty in accordance with Rule 95.

Rule 84A:

- (1) The person in charge of a greyhound must keep and retain records detailing all vaccinations, antiparasitics and medical treatments administered to a greyhound from the time the greyhound enters their care until the greyhound leaves their care and for a minimum of two (2) years. Such record of treatment must be produced for inspection when requested by a Steward or a person authorised by the Controlling Body. Any person responsible for a greyhound at the relevant time who fails to comply with any provision of this rule shall be guilty of an offence.

Clause 10, Regulations:

- (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 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
- ...
- (3) A greyhound racing 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 McDonald denied charges 1 and 2 and pleaded guilty to charges 3 and 4. Submissions were made on behalf of Mr McDonald by his legal representative in writing, and an election was made to have the disciplinary proceeding conducted in writing.

9. The Commission found all four of the charges proven.

10. The Commission took the following disciplinary action against Mr McDonald:

- Charge 1: To disqualify Mr McDonald for 6 months;
- Charge 2: To issue Mr McDonald with a formal warning / reprimand;
- Charge 3: To issue Mr McDonald a \$150.00 fine;
- Charge 4: To issue Mr McDonald with a formal warning / reprimand.

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

- Greyhound racing penalty precedents in NSW and other jurisdictions;
- The objective seriousness of the conduct, which resulted in a permanent injury to the greyhound which was not treated by a veterinarian and the expert finding that the greyhound would have undergone undue suffering as a result of failure to treat the injury;
- The length of time Mr McDonald has held a registration in the greyhound racing industry, approximately 26 years;
- Mr McDonald's lack of relevant prior disciplinary history which is a factor in mitigation;
- Mr McDonald's plea of not guilty to charges 1 and 2, and his plea of guilty to charges 3 and 4;

- The submissions made on behalf of Mr McDonald in mitigation of penalty in relation to the charges, including his explanation for the alleged offending and his personal circumstances.

.....End.....