

**DECISION ON AN INTERNAL REVIEW APPLICATION UNDER
SECTION 91 OF THE GREYHOUND RACING ACT 2017**

Matter for determination	Decision dated 18 July 2024 of the Commission Stewards
Internal review decision date	4 October 2024
Internal review decision by	Chief Commissioner Brenton (Alby) Taylor
Internal review decision summary	To confirm decision of 18 July 2024 to impose a \$1000 fine, with \$500 wholly and conditionally suspended for a period of 12 months conditional on Mr. Wade not breaching this, or any like, rule during this period.

REASONS FOR DECISION

1. These are the reasons for decision following an application by Paul William WADE for internal review under the *Greyhound Racing Act 2017* (“**Act**”) of a decision of Stewards That decision was to impose a \$1000 fine, with \$500 wholly and conditionally suspended for a period of 12 months conditional on Mr Wade not breaching this, or any like, rule during this period.
2. This is a reviewable decision within the meaning of section 91(1) of the Act. Under section 91(7) of the Act, an internal reviewer is empowered to:
 - Confirm the reviewable decision the subject of the application; or
 - Vary the reviewable decision; or
 - Revoke the reviewable decision.

Background

3. On Saturday 29 June 2024, Mr Wade served as the attendant or handler for a greyhound – *Lepidoptera* (“**Greyhound**”) which was competing in Race 2 (“**Race**”), at the Richmond Straight track, which is part of the Richmond Race Club.
4. A few minutes prior to the race, handlers for the eight greyhounds competing in the Race, including Mr Wade, were instructed to enter the track and make their way to the starting box which was situated about 100 to 150 metres from the ‘stir up’ area.
5. As is the custom, the greyhounds and their handlers entered the track and commenced walking in single file towards the starting box. Mr Wade and the Greyhound were at the rear of the line of dogs and handlers and were clearly visible on video footage.
6. Events shown on the video are summarised in the table below:

Time	Action	Action
0:55		Mr Wade and Greyhound enter frame, entering stir up area
1:17		Mr Wade and Greyhound enter track
1:24	1	Open hand slap to rear rump of Greyhound
1:31	2	Yank on Greyhound lead with slapping motion of lead at greyhound
1:35	3	Slapping motion of leather lead at Greyhound
1:41	4	Slapping motion of leather lead at Greyhound
1:56	5	Slapping motion of leather lead at Greyhound
2:13	6	Slapping motion of leather lead at Greyhound x 2
2:15	7	Slapping motion of leather lead at Greyhound
2:18	8	Slapping motion of leather lead at Greyhound
2:31	9	Slapping motion of leather lead at Greyhound
5:56	10	Slapping motion of leather lead at Greyhound
6:19		Mr Wade and Greyhound move behind starting boxes
6:34		Mr Wade removes lead from Greyhound
6:42		Mr Wade secures Greyhound in starting box 8

7. The video shows Mr Wade make contact with the Greyhound on ten (10) occasions.
8. Stewards officiating at the Race meeting commenced an investigation into Mr Wade's conduct and on 8 July 2024 he was issued a Notice of Charge and Proposed Disciplinary Action.
9. Mr Wade was charged with a breach of Greyhound Racing Rule 156(f)(ii) which states:

“156 General Offences

An offence is committed if a person (including an official):

...

“(f) has, in relation to a greyhound or greyhound racing, done something, or omitted to do something, which, in the opinion of a Controlling Body or the Stewards:

...(ii) constitutes misconduct or is negligent or improper;”

10. The particulars of the charge were:

That you, as a registered Attendant and Owner at all relevant times, did a thing which, in the opinion of the Controlling Body, constitutes an offence in circumstances where;

1. On Saturday 29 June 2024, you attended the Richmond Greyhound Club.
2. Prior to Race 2, you were handling the greyhound Lepidoptera (“Greyhound”).
3. Whilst leading the Greyhound from the stir up yard to the boxes, you proceeded to strike the greyhound on two occasions and whip it with the lead.
4. In doing the above you have acted improperly.

11. The Notice proposed a penalty of a \$1,000 fine and invited Mr Wade to attend a hearing on Friday 12 July 2024 and to enter a plea and make submissions in relation to the charge.

12. Mr Wade attended a hearing on the 18 July 2024 where he entered a plea of Not Guilty.
13. Following consideration of Mr Wade's plea and submissions, the decision-makers found the charge proven and imposed a \$1000 fine, with \$500 wholly and conditionally suspended for a period of 12 months conditional on Mr Wade not breaching this, or any like, rule during that period.

The internal review application

14. On the 12 August 2024, Mr Wade lodged an application for Internal Review ("**Application**") of the decision of the Stewards and written submissions. The internal review was conducted on the papers.

Findings

15. Mr Wade submits that his actions did not constitute misconduct Whilst Mr Wade suggests "misconduct effectively means the conscious ignoring of the rules"¹.
16. In relation to the word "improper", Mr Wade suggests it "means incorrect or wrong".² Whereas, I suggest the more fulsome definition of improper is 'not in accord with the right procedure, unsuitable or inappropriate, not in accord with a propriety of behaviour'.³
17. In this instance, Mr Wade in slapping the Greyhound, initially with his hand, and then after, slapping the Greyhound with its lead, is negligent in that Wade, has done or committed an act that a reasonable and prudent person, or a reasonable and prudent greyhound attendant 'in his shoes', would not have done, and this action then caused another, in this case the Greyhound, harm in the form of pain.
18. Having watched the video of the incident, I have formed the view that Mr Wade's actions in striking the Greyhound, initially with his open hand and subsequently on no less than nine (9) occasions was using a physical form of punishment intended to cause physical pain to the Greyhound in order to modify its behaviour. In summary, it was a form of corporal punishment.
19. It is my view, a reasonable handler in the same situation as Mr Wade would not have acted as he did.
20. Moreover, in considering whether Mr Wade's behaviour was "improper", it is my view that his actions in hitting and slapping the Greyhound were not in accord with the right procedure, as expected of a greyhound attendant or handler.
21. In his submissions, Mr Wade references the fact that "*state of mind ... is an important fact in determining whether conduct constitutes misconduct...*" and refers me to the NSW Racing Appeals Tribunal decision in the matter of Michael Eberand on the 5 September 2019. He states that: "*there was no intention to cause any harm, pain or hurt to the greyhound...*"
22. Nonetheless, it is my view that in hitting and slapping the Greyhound, Mr Wade's actions were intended to modify the behaviour of the Greyhound by imposing some level of pain or

¹ Submission to GWIC Internal Review Panel – Paul Wade Page 4 Par 26

² Op cit 1 par 26

³ Op cit **Error! Bookmark not defined.**

discomfort such that it submitted or heeded to his will and direction. Mr Wade was acting deliberately with a determination to achieve the outcome he desired.

23. Mr Wade also submitted that he, “*did not “whip” the greyhound nor did I “strike” it in any usually or legally accepted usage of the words*”. Put simply, the video does not support his submission.
24. Mr Wade also submits that there are “*degrees of misconduct and impropriety*”. This submission is relevant to penalty rather than guilt. The Stewards recognised that the objective seriousness of Mr Wade’s actions was not as high as other matters that have been brought before them and this recognition was reflected in the penalty of a fine rather than a suspension or disqualification.

Decision

25. As the internal reviewer, I have had regard to all the evidence considered by the Stewards, together with the internal review materials provided by Mr Wade.
26. I have had specific regard for Mr Wade’s ‘Personal Circumstances’ as outlined on Page 7 of his submission. Specifically, I note that he currently provides care for a large number of greyhounds at his residence at his own expense. I have taken into account the other matters raised by Mr Wade but do not repeat them here for privacy reasons.
27. I note Mr Wade has been a registered industry participant as an “Owner” and “Attendant” since 2010 a period of some 14 years.
28. During that time, he has three (3) disciplinary matters recorded on his history none of which are substantial or serious in nature.
29. I note it was possible or likely that the actions of Mr Wade, whilst walking the Greyhound to the starting box, were shown on television. If shown, any broadcasting of this incident and Mr Wade’s actions had the ability to affect the image of greyhound racing. Accordingly, there is a need for a message of general and specific deterrence to be sent both to the industry as a whole, and to Mr Wade himself.
30. In accordance with section 91(7)(a) of the Act, having reviewed all of the material, having regard to the totality of offences and the need for a message of general and specific deterrence to be sent both to the industry as a whole and to Mr Wade himself.
31. I confirm the original decision made by Commission Stewards on 18 July 2024 to impose a \$1000 fine, with \$500 wholly and conditionally suspended for a period of 12 months conditional on Mr. Wade not breaching Rule 156(f)(ii), or any like, rule during this period.

Brenton (Alby) Taylor,
Chief Commissioner