

## GREYHOUND WELFARE & INTEGRITY COMMISSION

### DISCIPLINARY ACTION DECISION

<b>Date of decision:</b>	5 November 2024
<b>Decision-makers:</b>	Chief Commissioner Brenton (Alby) Taylor and Chief Executive Officer Stephen Griffin
<b>Name of relevant person:</b>	Dr Matthew Kwong
<b>Rule No.:</b>	Rule 156(o)
<b>Charges:</b>	<b>Charges 1 – 3 (Rule 156(o))</b> Dr Kwong made false statements to Officers of the Controlling Body that he knew to be false at the time of making the statements.
<b>Plea:</b>	Guilty to all charges
<b>Disciplinary action taken:</b>	12-month disqualification per charge, with the periods of disqualification to be served concurrently, commencing from 8 November 2024 and expiring 7 November 2025.

### DECISION

1. Dr Matthew Kwong (“**Dr Kwong**”) was at all material times a greyhound racing industry participant, being registered as an owner with the Commission. Dr Kwong is also a veterinary practitioner registered by the Veterinary Practitioners Board in New South Wales.

### Investigation

2. On 2 October 2022, a member of the public entered the Richmond Greyhound Racing Track (“**Richmond Track**”), for the purpose of collecting recyclable drink containers. Whilst searching for these containers, the member of the public gained access to an industrial waste bin at the Richmond Track. Inside the bin were deceased dogs in black plastic bags. The member of the public brought this to the attention of the Richmond Track Curator.
3. The Curator then notified the Richmond Track Manager, who in turn, notified the Greyhound Welfare and Integrity Commission and Greyhound Racing NSW. Upon being notified, Commission Officers requested the Richmond Track Manager to lock and secure the bin until Commission Officers could attend the location.
4. At the time Dr Kwong operated a veterinary clinic at the Richmond Track. Given this, the Richmond Track Manager contacted Dr Kwong and advised him that the remains of a deceased dogs had been located and enquired whether Dr Kwong had knowledge of this. Dr Kwong indicated he was responsible, and that he would immediately attend the Richmond Track to remove the deceased dogs from the bin.

5. A short time later, Dr Kwong attended the Richmond Track and removed a number of black plastic bags from the bin. The bags contained the remains of deceased dogs, which he placed in his car, before leaving the Richmond Track.
6. Two days later on 4 October 2022, Dr Kwong was interviewed by Commission Officers. During the interview, Dr Kwong told a number of lies when answering the questions of Commission Officers.
7. Firstly, Dr Kwong told Commission Officers that he had placed the remains of two dogs in the bin on 1 October 2022, and that the dogs were not greyhounds.
8. Dr Kwong told Commission Officers that the first of these dogs was a domestic '*Bull Arab cross*', with '*no microchip*', that had been brought to his veterinary clinic by an unknown male person, already deceased, after it was hit by a car.
9. Dr Kwong told Commission Officers that the second deceased dog was a '*Labrador*', which had been brought into his veterinary clinic by its breeder for an autopsy, following its death during a surgical procedure undertaken at another veterinary clinic.
10. Dr Kwong told Commission Officers that on 2 October 2022, after receiving a phone call from the Richmond Track Manager, he attended the Richmond Track and removed the remains of these two dogs from the bin, placing them in his car. He told Commission Officers that he then drove to the Hawkesbury Waste Management Centre ("**Hawkesbury Tip**") where he disposed of their remains.
11. After being told this information, Commission Officers attended the Hawkesbury Tip to make related inquiries. Commission Officers were able to ascertain that neither Dr Kwong nor Dr Kwong's car had ever attended the Hawkesbury Tip, let alone between 2 October 2022 and 4 October 2022, as stated by Dr Kwong.
12. On 5 October 2022, Commission Officers attended the veterinary surgery of Dr Kwong at the Richmond Track, where they undertook an inspection of his freezer and took an inventory of the remains of all deceased dogs stored on site.
13. Immediately following this attendance, Dr Kwong was interviewed via telephone by a Commission Officer.
14. Despite the answers he gave to Commission Officers on 4 October 2022, when questioned on 5 October 2022 Dr Kwong changed his story, telling Commission Officers that it was not him but rather his brother, who had taken the remains to the Hawkesbury Tip, and that his brother had used Dr Kwong's car to do so.
15. When Commission Officers advised Dr Kwong that they had attended the Hawkesbury Tip and there was no record of Dr Kwong or his car having attended, Dr Kwong changed his story again, telling Commission Officers that the remains of the dogs were in fact stored in a freezer at his veterinary clinic at the Richmond Track.

16. Dr Kwong, shortly after, again changed his story, telling Commission Officers, that the remains of the dogs were at his residential premises. At this point, Dr Kwong made admissions that located at his residential premises were the remains of “two to four” dogs, including two to four greyhounds.
17. Commission Officers then accompanied Dr Kwong to his residential premises where he led them to a shed. Inside that shed, Dr Kwong showed Commission Officers black plastic bags that contained the remains of five dogs including three greyhounds.
18. All remains were seized by the Commission Officers for forensic examination.
19. Subsequent to a number of enquires being made by the Commission, the Commission determined to charge Dr Kwong with the three breaches of Rule 156(o) of the Greyhound Racing Rules:

**Rule 156, Rules**

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

...

(o) makes or publishes any statement known by the person to be false where the publication is to:

- i. a member of a Controlling Body;
- ii. an officer of a Controlling Body;
- iii. an employee of a Controlling Body; or
- iv. an officiating veterinarian or official in the course of them performing their functions.

**Penalty**

20. In the notice sent to Dr Kwong, the decision makers proposed to disqualify Mr Kwong for 18-months per charge.
21. Dr Kwong attended a hearing before decision-makers on 25 October 2024 alongside his legal representative, where he pleaded guilty to all three charges. These pleas were accepted by decision-makers. At the hearing his legal representative made submissions on penalty on his behalf which related to, in summary:
  - The circumstances of the offending;
  - Dr Kwong’s personal circumstances and his situation at the time of the incident;
  - The financial impact any possible penalty might have upon Dr Kwong’s income earning capacity; and
  - Five written character references and other documents presented to the decision-makers.
22. In taking this disciplinary action, the decision-makers considered all evidence including:
  - Dr Kwong’s early guilty pleas and the verbal submissions made in respect of the impact that a penalty would have upon him;

- Dr Kwong’s disciplinary history as a greyhound racing industry participant, having first been registered in November 2020, with no recorded breaches of the Greyhound Racing Rules;
- Dr Kwong’s history, participation and reputation within the greyhound racing industry, where he has operated as a recognised ‘specialist’ racing greyhound veterinarian over an extended period of time;
- The character references Dr Kwong placed before the Commission;
- The potential impact any period of disqualification might have upon Dr Kwong’s income and his ability to earn a living. This submission referred to the fact that greyhound racing industry participants would not be permitted under the Greyhound Racing Rules (during any period of disqualification imposed upon Dr Kwong) to associate or professionally engage with Dr Kwong in relation to their greyhounds to the extent that any such engagement could be considered as being for the purposes of greyhound racing;
- The delay by the Commission in bringing this matter to a conclusion and any impact this may have had on Dr Kwong;
- The potential that the actions of Dr Kwong could inflict reputational damage upon the greyhound racing industry, undermine the image of the sport of greyhound racing in NSW, and dilute public confidence in the industry;
- The fact that Dr Kwong is a qualified professional, which dictates that he would have clearly understood his actions were neither appropriate nor acceptable conduct. As a professional person operating within the sport, he has a duty to act with ethics and integrity;
- Dr Kwong’s submission that he relies heavily upon income which he earns as a ‘specialised’ racing greyhound veterinarian. In our view, this places him in a situation akin to a professional driver of a truck or taxi, who must take greater care to protect their driver’s licence, as losing their driver’s licence due to committing a traffic offence/s, has more serious consequences for them than the average driver. This is because not only does the loss of licence impact their enjoyment of driving privileges, but also it essentially eliminates their capacity to earn income from driving. Dr Kwong being a person in a not dissimilar circumstance should have afforded a higher duty of care to ensuring he was always and at all times compliant with the Greyhound Racing Rules on the basis that he was both a greyhound racing industry participant bound by the Rules, and a veterinarian who earns an income, in part at least, from engaging in the industry;
- The fact that Dr Kwong was untruthful to Commission Officers on multiple occasions. Moreover, not only was he untruthful, but his deceit and lies were elaborate and conceived to mislead Commission Officers. Dr Kwong had several opportunities to come forward with the truth before Commission Officers confronted him with the truth, and at each opportunity he failed to do so;

- Having said that, we recognise that ultimately, Dr Kwong admitted to his lies - albeit belatedly - but for the purposes of this disciplinary action it is a plea that warrants the full 25% discount;
  - The mental anguish that this matter has had upon Dr Kwong, and information put to us as to his life circumstances at the time of the event/s;
  - The need for general deterrence. The Commission, as the industry regulator, relies heavily upon industry participants to be honest and truthful in all dealings with the industry and any penalty must send a message broadly to the industry that dishonesty in making statements to the Commission is not tolerable;
  - The need for specific deterrence was not a significant factor here, although decision-makers did have regard to this consideration;
  - There were no animal welfare breaches detected as part of this investigation;
  - The principal objectives of the Commission being to promote and protect greyhound welfare; and to maintain public confidence in the greyhound racing industry; and
  - That Dr Kwong will still be able to practice as a veterinarian, but under the Greyhound Racing Rules he will not be able to treat greyhounds owned or kept by greyhound racing industry participants. This may impact on his veterinary practice for the period of his disqualification.
23. The factors in mitigation, (other than the customary discount for entering an early plea of guilty) were deemed to warrant an additional 1.5-month reduction. The decision-makers reduced the penalty by a total six months, from those that were proposed. Decision-makers also gave consideration to making the disqualification periods cumulative, however in order to appropriately reflect the factors in mitigation, decision-makers determined to impose concurrent penalties.
24. The objective seriousness of a participant lying on multiple occasions to Commission Officers is high. The Commission had to embark on a process of investigation which, had it not been for the lies, it would not have been required to undertake.
25. In summary, following consideration of the evidence in its entirety, as well as Dr Kwong's pleas and submissions, the decision-makers found the charges proven and determined to impose upon him a 12-month disqualification per charge, with all penalties to be served concurrently. The period of disqualification will commence on 8 November 2024 and expire 7 November 2025.

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