

GREYHOUND WELFARE & INTEGRITY COMMISSION

DISCIPLINARY ACTION DECISION

- Date of decision:** 25 February 2025
- Decision-maker:** Senior Steward Zane Turner
- Name of relevant person:** Gary Payton
- Rules of Racing:** R21(1)(d) x 2, R21(1)(c) x 2, R164(a), R151(1)
- Code of Practice Standard:** Standard 5.12(a), Standard 5.6, Standard 5.8
- Charge(s):**
- Charge 1 – R21(1)(d), Rules of Racing**
Mr. Payton failed to ensure that a greyhound in his care or custody, was provided with veterinary attention when necessary.
- Charge 2 – R21(1)(d), Rules of Racing**
Not proven
- Charges 3 and 4 – R21(1)(c), Rules of Racing**
Mr. Payton failed to ensure that greyhounds in his care or custody, were at all times provided with kennels constructed and of a standard approved by a Controlling Body which are adequate in size and which are kept in a clean and sanitary condition.
- Charge 5 – Standard 5.12(a), Code of Practice**
Mr. Payton failed to ensure that areas where his greyhounds slept included a raised bed or wooden pallet, large enough for the greyhound to lay down completely stretched out on.
- Charge 6 – Standard 5.6, Code of Practice**
Mr. Payton failed to ensure that all indoor greyhound housing had adequate ventilation.
- Charge 7 – Standard 5.8, Code of Practice**
Mr. Payton failed to ensure that where greyhounds are housed indoors, light cycles must be as close as possible to natural conditions.
- Charge 8 – R164(a), Rules of Racing**
Mr. Payton made a false statement during an inspection.
- Charge 9 – R151(1), Rules of Racing**
Mr. Payton failed to keep and retain appropriate written treatment records.

Disciplinary action taken: **Charge 1** – To disqualify Mr. Payton for 19 months;
Charge 3 – To disqualify Mr. Payton for 4 months;
Charge 4 – To disqualify Mr. Payton for 4 months;
Charge 5 – To disqualify Mr. Payton for 4 months;
Charge 6 – To disqualify Mr. Payton for 4 months;
Charge 7 – To disqualify Mr. Payton for 4 months;
Charge 8 – To disqualify Mr. Payton for 2 months;
Charge 9 – To issue Mr. Payton a reprimand;

with the penalties imposed for Charge 1 and Charges 3-8 to be served concurrently;

with the net effect being a 19-month period of disqualification from the industry;

with the time served by Mr. Payton under interim suspension to be taken into account, from 23 April 2024; and

with the period of disqualification to expire at midnight on 23 November 2025.

DECISION:

1. Mr. Payton was, at all relevant times, a registered Public Trainer and Breeder with the Greyhound Welfare and Integrity Commission (“**Commission**”).
2. On 11 April 2024, Commission staff conducted a kennel inspection at Mr. Payton’s registered kennel address. During the inspection several breaches of the NSW Greyhound Welfare Code of Practice (“**Code of Practice**”) and GWIC Greyhound Racing Rules (“**Rules of Racing**”) were observed.
3. On 23 April 2024, Mr. Payton was issued with an interim suspension whilst the Commission finalised its inquiry into the observed breaches of the Code of Practice and Rules of Racing.
4. On Friday 07 February 2025 Mr. Payton was issued with a Notice of Charge and Proposed Disciplinary Action (“**Notice**”). In the Notice, the decision makers issued Mr. Payton with six charges under the Rules of Racing and three charges under the Code of Practice, which read;

Rule 21(1)(c) and (d)

(1) A person must ensure that any greyhound in the person's care or custody, is at all times provided with:

...

(c) kennels constructed and of a standard approved by a Controlling Body which are adequate in size and which are kept in a clean and sanitary condition;

(d) veterinary attention when necessary;

Code of Practice – Standard 5.12(a)

Areas where greyhounds sleep must:

a) include a raised bed or wooden pallet, which is large enough for the greyhound to lay down completely stretched out on;

Code of Practice – Standard 5.6

All indoor greyhound housing must have adequate ventilation.

Code of Practice – Standard 5.8

Where greyhounds are housed indoors, light cycles must be as close as possible to natural conditions.

Rule 164(a)

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

(a) makes a false or misleading statement in relation to or during an investigation, inspection, examination, test or inquiry (or at any other disciplinary process, hearing or appeal proceeding) or makes or causes to be made a falsification in a document in connection with greyhound racing or the registration of a greyhound;

Rule 151(1)

1) The person in charge of a greyhound must keep and retain written records detailing all vaccinations, antiparasitics and treatments administered to the greyhound:

(a) from the time the greyhound enters their care until the greyhound leaves their care; and

(b) for a minimum of two years.

....

(4) An offence is committed if any person in charge of a greyhound at the relevant time fails to comply with any of subrules (1) to (3) of this rule.

5. The Notice invited Mr. Payton to attend a hearing on 21 February 2025 at which time he would have the opportunity to enter a plea and make submissions in relation to the charges and proposed penalties. The penalties proposed in the Notice were:

Charge 1 (Rule 21(1)(d)): 3-year disqualification

Charge 2 (Rule 21(1)(d)): 2-year disqualification

Charge 3 (Rule 21(1)(c)): 12-month disqualification

Charge 4 (Rule 21(1)(c)): 12-month disqualification

Charge 5 (Standard 5.12(a)): 12-month disqualification

Charge 6 (Standard 5.6): 12-month disqualification

Charge 7 (Standard 5.8):	12-month disqualification
Charge 8 (Rule 164(a)):	6-month disqualification
Charge 9 (Rule 151(1)):	\$200

6. On 21 February 2025, the decision maker heard the matter via Microsoft Teams. During the course of the hearing, Mr. Payton entered a plea of not guilty to Charge 2, and a plea of guilty to Charge 1 and Charges 3-9. Mr. Payton also made verbal submissions in respect of the proposed disciplinary action.
7. Following consideration of Mr Payton's pleas and submissions, the decision maker found Charge 1 and Charges 3-9 proven and determined to withdraw Charge 2 against Mr. Payton. The decision maker determined to take the following disciplinary action against Mr. Payton:

Charge 1 (Rule 21(1)(d)):	To disqualify Mr. Payton for 19 months;
Charge 3 (Rule 21(1)(c)):	To disqualify Mr. Payton for 4 months;
Charge 4 (Rule 21(1)(c)):	To disqualify Mr. Payton for 4 months;
Charge 5 (Standard 5.12(a)):	To disqualify Mr. Payton for 4 months;
Charge 6 (Standard 5.6):	To disqualify Mr. Payton for 4 months;
Charge 7 (Standard 5.8):	To disqualify Mr. Payton for 4 months;
Charge 8 (Rule 164(a)):	To disqualify Mr. Payton for 2 months;
Charge 9 (Rule 151(1)):	To issue Mr. Payton a reprimand;

with the penalties imposed for Charge 1 and Charges 3-8 to be served concurrently;

with the net effect being a 19-month period of disqualification from the industry;

with the time served by Mr. Payton under interim suspension to be taken into account, being the period from 23 April 2024; and

with the period of disqualification to expire at midnight on 23 November 2025.

8. In taking this disciplinary action, the decision maker considered all the material and evidence before them, including:
 - Mr. Payton's guilty plea to Charge 1 and Charges 3-9;
 - Mr. Payton's verbal submissions made at the hearing;
 - Mr. Payton's disciplinary history, which shows no breaches of any Racing Rule over a registration period in excess of 32 years;
 - The time in which Mr. Payton served under the interim suspension period;

- The Commission's Penalty Guidelines;
- Mr. Payton's personal circumstances; and
- The objective seriousness of the offences.

.....End.....