GREYHOUND WELFARE & INTEGRITY COMMISSION

DISCIPLINARY ACTION DECISION

Date of decision:	22 August 2019
Decision-makers:	Director Legal Services, Matthew Tutt & A/Chief Steward, Gail Thorsby
Name of relevant person:	Mr Arthur Fahey
Track:	N/A – Non-meeting
Dates:	31 October 2018, 16 January 2019 & 19 February 2019
Rule no.:	Rule 106(1)(a) x 1, Rule 106(1)(c) x 10
Charge(s):	(1-3). On 31 October 2018, under Rule 106(1)(c) Mr Fahey failed to ensure that greyhounds in his care and custody were provided at all times with kennels constructed of a standard approved by the controlling body which are adequate in size and which are kept in a clean and sanitary condition. (4). On 31 October 2018, under Rule 106(1)(a) Mr Fahey failed to ensure that greyhounds in his care and custody were provided at all times with proper and sufficient food, drink and protective apparel. (5). On 31 October 2018, under Rule 106(1)(c) Mr Fahey failed to ensure that greyhounds in his care and custody were provided at all times with kennels constructed of a standard approved by the controlling body which are adequate in size and which are kept in a clean and sanitary condition. (6-7). On 16 January 2019, under Rule 106(1)(c) Mr Fahey failed to ensure that greyhounds in his care and custody were provided at all times with kennels constructed of a standard approved by the controlling body which are adequate in size and which are kept in a clean and sanitary condition. (8). On 16 January 2019, under Rule 106(1)(a) Mr Fahey failed to ensure that greyhounds in his care and custody were provided at all times with proper and sufficient food, drink and protective apparel. (9-10). On 16 January 2019, under Rule 106(1)(c) Mr Fahey failed to ensure that greyhounds in his care and custody were provided at all times with kennels constructed of a standard approved by the controlling body which are adequate in size and which are kept in a clean and sanitary condition.

(11-12). On 19 February 2019, under Rule 106(1)(c) Mr Fahey failed to ensure that greyhounds in his care and custody were provided at all times with kennels constructed of a standard approved by the controlling body which are adequate in size and which are kept in a clean and sanitary condition.

Disciplinary action taken:

Charge 1 (31 October 2018):	3 months suspension
Charge 2 (31 October 2018):	3 months suspension
Charge 3 (31 October 2018):	3 months suspension
Charge 4 (31 October 2018):	Not proven
Charge 5 (31 October 2018):	3 months suspension
Charge 6 (16 January 2019):	15 months suspension
Charge 7 (16 January 2019):	6 months suspension
Charge 8 (16 January 2019):	12 months suspension
Charge 9 (16 January 2019):	6 months suspension
Charge 10 (16 January 2019):	6 months suspension
Charge 11 (19 February 2019):	10 months suspension
Charge 12 (19 February 2019):	10 months suspension

REPORT:

Following advice from Commission Inspectors, the Commission conducted an investigation into the kennel inspections of Mr Arthur Fahey and Mr Arron Gould on 31 October 2018, 16 January 2019 and 19 February 2019.

On Thursday, 18 July 2019, this matter was heard before the Commission.

Mr Fahey represented himself at the hearing.

Mr Fahey pleaded not guilty to charges 4 and 8 relating to offences under Rule 106(1)(a) of the Greyhound Racing Rules ("**Rules**") and guilty to 10 charges under Rule 106(1)(c) of the Rules.

DECISION:

1. Mr Fahey is a registered greyhound trainer and at the material times being on 31 October 2018, 16 January 2019 and 19 February 2019 had 3 greyhounds in his care and custody, housed in indoor kennels.

2. Mr Fahey shared the property with Mr Gould, also a registered trainer. Mr Gould had in his care and custody the 4 greyhounds housed in the outdoor kennels.

3. On 31 October 2018, Commission Inspectors inspected Mr Fahey and Mr Gould's kennels and found that there were issues with the indoor and outdoor kennels and outdoor areas in that the condition of the kennels and surrounding premises was not in compliance of the Code of Practice for the Keeping of Greyhounds in Training. Directions were issued to rectify the kennels.

4. On 16 January 2019, Commission Inspectors conducted a further inspection. The kennels and outdoor areas were found to be in a similar condition. Further rectification work on the kennels were issued requiring compliance within 3 weeks.

5. On 19 February 2019, Commission Inspectors again attended the property. The condition of the kennels and outdoor areas were found to be in a condition that was not in compliance of the Code of Practice for the Keeping of Greyhounds in Training.

6. Mr Fahey was charged with a total of ten (10) charges under R106(1)(c) in that his kennels were not constructed of a standard approved by the controlling body and which were not kept in a clean and sanitary condition, the conditions being:

    (i) that the kennels were not effectively cleaned due to cracks on the concrete (Charge 1 and 11)
    (ii) that the kennels had limited ventilation, no effective cooling system and exceeded a reasonable temperature (charge 2 and 6);
    (iii) That the walls of the kennels were cracked and broken (charge 3);
    (iv) That there were open buckets of faecal matter resulting in a strong odour at the premises (charge 5, 10 and 12);
    (v) That there was uncleanliness, including excessive dirt other matter on the kennel floor excessive debris in the exercise yards (charge 7 and 9);

7. Further, Mr Fahey was charged with two offences under R106(1)(a) in that he failed to at all times provide proper and sufficient food and water, being a failure to provide an appropriate level of water on two occasions (charges 4 and 8).

8. Mr Fahey pleaded not guilty to charges 4 and 8 relating to offences under Rule 106(1)(a) and guilty to the 10 charges under Rule 106(1)(c) of the Rules.

9. After considering all the evidence, the Commission found all charges, save for charge 4 relating to an alleged breach of Rule 106(1)(a) on 31 October 2018, proven and Mr Fahey formally guilty of charge 8 (Rule 106(1)(a), 16 January 2019).

Penalty

10. Mr Fahey made submissions in relation to penalty, including in relation to his registration and disciplinary history, his health, his remorse, his involvement in the industry and his personal and financial circumstances. Mr Fahey also provided written submissions and a number of character references.

11. The Commission, after hearing Mr Fahey's submissions in relation to penalty and reserving its decision until 22 August 2019, took the following disciplinary action against Mr Fahey:

Charge 1 (31 October 2018):	3 months suspension
Charge 2 (31 October 2018):	3 months suspension
Charge 3 (31 October 2018):	3 months suspension
Charge 4 (31 October 2018):	Not proven
Charge 5 (31 October 2018):	3 months suspension
Charge 6 (16 January 2019):	15 months suspension
Charge 7 (16 January 2019):	6 months suspension
Charge 8 (16 January 2019):	12 months suspension
Charge 9 (16 January 2019):	6 months suspension
Charge 10 (16 January 2019):	6 months suspension
Charge 11 (19 February 2019):	10 months suspension
Charge 12 (19 February 2019):	10 months suspension

12. All periods of suspension above were determined to be served concurrently. Further, it was determined for charges 6, 8, 11 and 12 that Mr Fahey's suspension be suspended after he has served a period of 9 months suspension expiring 21 May 2020 and that the operational period for the suspended period of suspension be for a period up until 21 November 2020, being a period of a further 6 months.

13. Further, it was determined that before being eligible to recommence activities under his trainer registration following expiration of the suspension period on 21 May 2020, Mr Fahey's kennels must be inspected to ensure they are compliant with the standards approved in the Commission's Code of Practice for the Keeping of Greyhounds in Training.

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

    - The length of Mr Fahey's registration history, having been a registered trainer for approximately 34 years;
    - Mr Fahey's disciplinary history, including an offence in 2016 for a prohibited substance (cobalt) presentation offence;
    - That the offences did not relate to the condition of any greyhounds in Mr Fahey's care, only the condition of the kennels and outdoor areas;
    - Mr Fahey's submissions in mitigation of penalty, including his health, remorse, personal and financial circumstances.

……..End.……..……..