



## GREYHOUND WELFARE & INTEGRITY COMMISSION

### DISCIPLINARY ACTION DECISION

**Date of decision:** 21 October 2021

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

**Name of relevant person:** Mr Jason Mackay

**Date:** 7 February 2021; 10 February 2021

**Rule no.:** Rule 86(o) x2; Rule 101(2)(b)

**Charge:**

- (1) On 10 February 2021 Mr Mackay did a thing that was improper or constituted misconduct towards another participant in the carpark of the Maitland Greyhound Racing Club;
- (2) On 10 February 2021 Mr Mackay did a thing that was improper or constituted misconduct towards another participant in the carpark of the Maitland Greyhound Racing Club;
- (3) On 7 February 2021 Mr Mackay allowed an unlicensed person to handle a greyhound he was the registered trainer of.

**Disciplinary action taken:**

Charge 1: \$500 fine, wholly and conditionally suspended for 12 months;

Charge 2: \$500 fine, wholly and conditionally suspended for 12 months;

Charge 3: \$100 fine.

**DECISION:**

1. At all relevant times, Mr Mackay was a registered greyhound Public Trainer and Studmaster.
2. On 7 February 2021 Mr Mackay attended at the Maitland Greyhound Racing Club ("**Club**") with his daughter for the purpose of participating in greyhound trials.
3. During these trials his daughter handled greyhounds trained by him by providing water to them and hosing at least one (1) greyhound down. Mr Mackay's daughter did not hold a registration to allow her to handle a registered greyhound.
4. Another participant present at the trials put in a complaint about Mr Mackay allowing his daughter to handle the greyhound.

5. In the morning of 10 February 2021 Mr Mackay attended at the Club for the purpose of participating in trialling. When he arrived at the Club, Mr Mackay noticed two other participants seated in their vehicle. One of those participants was the person who had made the previous complaint on 7 February 2021.
6. Mr Mackay then approached the vehicle and knocked on the passenger side window. The participant wound down the window a couple of inches.
7. Mr Mackay then challenged the other participant, and made several unsavoury and offensive comments towards both of the persons seated in the car. This continued for 3 to 4 minutes.
8. Mr Mackay then returned to his own motor vehicle.
9. On review of the evidence in this matter, the Commission charged Mr Mackay with two (2) breaches of Rule 86(o) and one (1) breach of Rule 101(2)(b) of the Rules. These rules respectively read:

**Rule 86**

A person (including an official) shall be guilty of an offence if the person-

...

(o) has, in relation to a greyhound or greyhound racing, done a thing, or omitted to do a thing, which, in the opinion of the Stewards or the Controlling Body, as the case may be, is negligent, dishonest, corrupt, fraudulent or improper, or constitutes misconduct

**Rule 101(2)(b)**

(2) An owner or trainer shall not permit an unlicensed person to-

...

(b) handle on any racecourse, a greyhound owned by or pursuant to the control of the owner or trainer.

10. Mr Mackay pleaded guilty to the charges, provided written submissions and elected to have the matter determined in writing.
11. The Commission found the charge proven and took the following disciplinary action against Mr Mackay:

Charge 1 (Rule 86(o): To issue a fine of \$500, wholly suspended for a period of 12 months on the condition that Mr Mackay does not breach Rule 86(o) within that specified time period;

Charge 2 (Rule 86(o): To issue a fine of \$500, wholly suspended for a period of 12 months on the condition that Mr Mackay does not breach Rule 86(o) within that specified time period;

Charge 3 (Rule 101(2)(b): To issue a fine of \$100.

12. In taking this disciplinary action, the Commission considered all evidence and submissions, including:

- The objective seriousness of the conduct;
- The length of time Mr Mackay has held a trainer registration in the greyhound racing industry, being since 1987, approximately 34 years;
- The lack of any similar relevant offending by Mr Mackay; and
- Mr Mackay's plea of guilty to all of the charges at the earliest opportunity;
- Submissions in mitigation of penalty made by Mr Mackay, in particular in relation to the circumstances of the offending and his personal circumstances.

.....End.....