

## GREYHOUND WELFARE & INTEGRITY COMMISSION

### DISCIPLINARY ACTION DECISION

<b>Date of decision:</b>	20 January 2022
<b>Decision-makers:</b>	Director Compliance, Policy & Legal, Matthew Tutt and Chief Inspector, David OShannessy
<b>Name of relevant person:</b>	Mr Glenn Death
<b>Track:</b>	N/A
<b>Date:</b>	22 June 2021, 19 October 2021
<b>Rule no.:</b>	Rule 86(ag), Rule 86(p), Rule 86(f)(iii) and Rule 86(x)
<b>Charge(s):</b>	(1) Mr Death failed to comply with clauses 4 and 12 of the <i>GWIC Rehoming Policy</i> ; (2) Mr Death failed to comply with a direction of a GWIC Inspector; (3) Mr Death engaged in improper or offensive language towards a GWIC Inspector; and (4) Mr Death made a false statement to a GWIC Inspector.
<b>Disciplinary action taken:</b>	Charge 1: Formal warning; Charge 2: \$200 fine, wholly and conditionally suspended; Charge 3: \$300 fine, wholly and conditionally suspended; and Charge 4: 2-month disqualification.

On 14 December 2021 Mr Death was issued with a notice of proposed disciplinary action (“**Notice**”) setting out the proposed disciplinary action to be taken and the grounds in support of that proposed disciplinary action.

#### **Evidence, plea and submissions**

Mr Death was provided with a brief of evidence along with the Notice. In addition, a summary of the evidence was contained in the Notice.

On 20 January 2022 Mr Death attended a hearing with the decision makers. At the hearing on 20 January 2022 Mr Death entered a plea of not guilty to all four charges and made submissions in relation to the offence, which are summarised as follows:

- in relation to charge four - that he was told the Greyhound was to be euthanased at South Nowra Veterinary Clinic by another participant; and
- in relation to the first three charges – that it was his first time he has been dealt with for these types of matters.

The decision makers considered Mr Death’s plea and submissions and came to the following determination.

## **DECISION**

1. At all relevant times, Mr Death was a registered Owner Trainer.
2. On 22 June 2021 Mr Death had a phone call with a GWIC Inspector in which he advised her that his greyhound ‘Envision Osti’ (“**Greyhound**”) had bitten a child and had also attacked and killed his pet dog.
3. Mr Death also advised the Inspector that he had booked the Greyhound into the South Nowra Veterinary Clinic (“**Veterinary Clinic**”) to be euthanased that afternoon.
4. The GWIC Inspector reminded Mr Death of the current re-homing policy requirement, including the relevant restrictions on euthanasing greyhounds.
5. On 23 June 2021 the GWIC Inspector confirmed with the Veterinary Clinic that Mr Death had not had the Greyhound euthanased at that practice.
6. On 27 September 2021 a non-participant contacted the GWIC Registration team and advised them that she had the Greyhound in her care and was seeking assistance in having the Greyhound desexed.
7. The non-participant confirmed the identity of the Greyhound and advised that she was unsure of the name of the person from which she had received the Greyhound from but provided a phone number of the contact person.
8. On 11 October 2021 the GWIC Inspector spoke to the contact person whose telephone number the non-participant had provided. This person was a woman who had been in possession of the Greyhound prior to giving the Greyhound to the non-participant.
9. The woman advised the GWIC Inspector that she was a friend of Mr Death’s, and that Mr Death had given her the Greyhound as he was moving out of his rental property. She indicated that she too had been required to move due to the end of her rental lease which is why she had given the Greyhound to the non-participant.
10. On 19 October 2021 the GWIC Inspector spoke to Mr Death on the telephone in relation to the alleged breach of the re-homing policy regarding the Greyhound. During that telephone call Mr Death became abusive towards the GWIC Inspector.
11. The decision makers charged Mr Death with four offences under the GWIC Greyhound Racing Rules, which respectively read:

### **Rule 86(ag), Rules**

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

...

(ag) fails to comply with a policy adopted by a Controlling Body.

**Rule 86(p), Rules**

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

...

(p) disobeys or fails to comply with the lawful order of a Steward or other person or body having official duties in relation to greyhound racing

**Rule 86(f)(iii), Rules**

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

...

(f) engages in, publishes or causes to be published, broadcasts or causes to be broadcast, the use of any contemptuous, unseemly, improper, insulting, or offensive language, conduct or behaviour in any manner of form towards, or in relation to-

...

(iii) the Controlling Body, or a member of the Controlling Body

**Rule 86(x), Rules**

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

...

(x) makes any statement which to his/her knowledge is false either oral by, by print, in writing, by electronic means or by any combination thereof to a member of the Controlling Body, an officer of the Controlling Body, an employee of the Controlling Body, a veterinary surgeon or an official in the execution of his/her duty

12. The decision makers found the charges proven and took the following disciplinary action against Mr Death:

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|------------------|---|
| <b>Charge 1:</b> | Formal warning;   |
| <b>Charge 2:</b> | To issue a fine of \$200.00, wholly suspended for a period of 12 months on the condition that he does not breach Rule 86(p) or any like rules in that time;       |
| <b>Charge 3:</b> | To issue a fine of \$300, wholly suspended for a period of 12 months on the condition that he does not breach Rule 86(f)(iii) or any like rules in that time; and |
| <b>Charge 4:</b> | To disqualify Mr Death for a period of two months.  |

13. In taking this disciplinary action, the decision makers considered all evidence, including:
- Greyhound racing penalty precedents in NSW;
  - The length of time Mr Death has held a trainer registration, being since 2005, a period of approximately 16 years;
  - Mr Death's disciplinary history – noting he does not have any like matters on his record;
  - Mr Death's plea of not guilty to the charges; and
  - Mr Death's submissions in mitigation of penalty, including in relation to the circumstances of the offending.
14. In relation to Charge One, as this was the first time Mr Death has faced such a charge, consistent with other decisions, the decision makers imposed a formal warning.
15. For Charges Two and Three, it was considered appropriate to impose fines, wholly suspended on the condition that Mr Death not breach similar Rules for a period of 12 months.
16. In relation to the most serious offence, being Charge Four, the decision makers found that Mr Death, as the trainer and custodian of the Greyhound, was the person responsible for knowing the Greyhound's location at all times. For a trainer or any custodian of a greyhound, the Commission has routinely confirmed that it is incumbent upon that Custodian to know the location of the greyhound at all times. Mr Death's breach of Rule 86(x) relates to his provision of false information to the Inspector in that the Greyhound was to be euthanased at a local veterinary clinic when he knew, or ought to have reasonably known, that that was not the case.

.....End.....