



GREYHOUND WELFARE & INTEGRITY COMMISSION

DISCIPLINARY ACTION DECISION

Date of decision:	1 February 2022
Decision-makers:	Director Compliance, Policy & Legal, Matthew Tutt, Director Race Day Operations & Integrity, Wade Birch and A/Deputy Chief Inspector, Shaye Barrow
Name of relevant person:	Mr Edward Foyle
Track:	N/A
Date:	August 2021
Rule no.:	Local Rule 125(2)
Charge(s):	Mr Foyle entered into an agreement allowing a person not registered as a Breeder to undertake breeding activities with a greyhound owned by him.
Disciplinary action taken:	8-week suspension, wholly suspended for 12 months on the condition that Mr Foyle does not breach LR 125(2) or similar Rule in that period.

On 1 November 2021 Mr Foyle 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. The Notice issued one charge under Local Rule 125(2) and invited Mr Foyle to admit or deny the charges and make submissions in relation to the Charges.

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

Mr Foyle did not respond to the Notice and failed to provide a plea or any submissions on subsequent attempts to contact him.

The decision makers considered the matter and were satisfied that, as the documentation was provided to Mr Foyle at the address provided by him, that he was provided the opportunity to respond to the charge.

SUMMARY

1. Mr Foyle is registered with GWIC as an Owner Trainer and Breeder.
2. Prior to 18 August 2021, Mr Foyle entered into a breeding lease agreement with registered participant Gregory Sutherland in relation to a female greyhound owned by Mr Foyle named ‘Rema’s Amber’ (“**the Greyhound**”).

3. Mr Sutherland has never held a Breeder registration within the greyhound racing industry.
4. On 18 August 2021, Mr Sutherland contacted the GWIC registration team via telephone. During that telephone conversation Mr Sutherland advised that:
 - The Greyhound was in his care and custody, and due to whelp on 21 August 2021;
 - That the Greyhound was owned by Mr Foyle and that Mr Foyle had submitted a breeding lease application in respect of the Greyhound;
 - That Mr Foyle would be attending Mr Sutherland's property to assist with the birth, as Mr Sutherland was not a registered Breeder.
5. Later on 18 August 2021, GWIC Chief Veterinarian Dr Michelle Ledger advised GWIC staff that as it was so close to the due date of 21 August 2021 the Greyhound could not be relocated to the property of a registered Breeder.
6. On 19 August 2021 Deputy Chief Inspector Shaye Barrow spoke to Mr Sutherland over the telephone and advised him that:
 - He was required to provide photographs of the proposed whelping area for the Greyhound to ensure its compliance; and,
 - A formal interview would be required in relation to this matter.
7. Mr Sutherland sent Inspector Barrow photographs of the proposed whelping area that same day, which she deemed to be compliant.
8. On 21 August 2021, Mr Foyle attended at the premises of Mr Sutherland to assist with the birth of the litter (litter ID: 63481, "**the litter**"). Once whelped, Mr Foyle left the Greyhound and litter in the care and custody of Mr Sutherland.
9. On 23 August 2021, Inspector Tony Hitchcock conducted an interview with Mr Sutherland. During this interview Mr Sutherland advised that:
 - On or around 21 June 2021 Mr Foyle took the Greyhound to the Colyton Veterinary Clinic where she was artificially inseminated;
 - That at the time of insemination Mr Foyle was advised that the procedure could not happen under Mr Sutherland's name as he was not a licenced Breeder;
 - The procedure was then performed under Mr Foyle's licences as registered Breeder.
10. On 7 September 2021 Inspector Peter Austin spoke to Mr Foyle over the telephone. During that interview Mr Foyle advised that:
 - Mr Foyle had an arrangement with Mr Sutherland that you would lease him the Greyhound to breed from;
 - Mr Foyle knew that the Colyton Veterinary Clinic would not inseminate the Greyhound for Mr Sutherland because he did not hold a Breeders registration;

- Mr Foyle stated that GWIC advised Mr Sutherland that Mr Foyle would need to lease the Greyhound to Mr Sutherland in order for him to breed from the Greyhound, as you held a Breeders registration, and Mr Sutherland would not receive one in time;
 - Mr Foyle prepared paperwork to advise GWIC that he was transferring the Greyhound to Mr Sutherland and gave it to Mr Sutherland;
 - Mr Foyle believed that Mr Sutherland had provided GWIC with a copy of Mr Foyle's breeding lease.
11. On 10 September 2021 the GWIC registration team confirmed that they had not received either a Breeders registration application form for Mr Sutherland. In addition, no notice of transfer was provided by either Mr Sutherland or Mr Foyle with respect to the Greyhound.

DECISION

12. The decision makers charged Mr Foyle with an offence under Local Rule 125(2), which reads:

- (2) A person must not:
- a. leave a dam whelping a litter of pups in the care of a person that is not a registered breeder; or
 - b. leave an unnamed greyhound for the purposes of whelping or rearing in the care of a person who is not a registered breeder.

13. Mr Foyle did not respond to the charge.

14. The decision makers found the charge proven and took the following disciplinary action against Mr Foyle:

To suspend Mr Foyle for 8 weeks, wholly suspended for a period of 12 months on the condition that he does not breach Local Rule 125(2) or any like rules in that time period.

15. In taking this disciplinary action, the decision makers considered all evidence, including:

- Greyhound racing penalty precedents in NSW;
- The length of time Mr Foyle has held a registration, being a period of approximately 24 years; and
- Mr Foyle's disciplinary history – he does not have any like matters on his record.

.....End.....