

GREYHOUND WELFARE & INTEGRITY COMMISSION
DISCIPLINARY ACTION DECISION

Date of decision: 27 September 2019

Decision-makers: Director Legal Services, Matthew Tutt & A/Chief Steward, Gail Thorsby

Name of relevant person: Mr Byron Miller

Track: N/A – Non-meeting

Dates: 14 November 2018 & 20 November 2018

Rule no.: Rule 106(1)(c) x 14, Rule 106(1)(a) x 2, R86(x) x 2

Charge(s):

(1). On 20 November 2018, under Rule 106(1)(d), Mr Miller failed to ensure that greyhounds in his care were provided at all times with veterinary attention when necessary.

(2-7). On 14 November 2018, under Rule 106(1)(c), Mr Miller 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.

(8-15). On 20 November 2018, under Rule 106(1)(c), Mr Miller 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.

(16-17). On 20 November 2018, under Rule 106(1)(a), Mr Miller failed to ensure that greyhounds in his care and custody were provided at all times with proper and sufficient food, drink and protective apparel.

(18-19). On 20 November 2018, under Rule 86(x) Mr Miller made a false statement to GWIC Inspectors in execution of their duties.

Disciplinary action taken: Disqualification periods served concurrently, deferred commencement to 6 October 2019

Charge 2 (14 November 2018): 12 months disqualification

Charge 3 (14 November 2018): 12 months disqualification

Charge 4 (14 November 2018): 12 months disqualification

Charge 5 (14 November 2018): 12 months disqualification

Charge 6 (14 November 2018):	12 months disqualification
Charge 7 (14 November 2018):	12 months disqualification
Charge 8 (20 November 2018):	18 months disqualification
Charge 9 (20 November 2018):	18 months disqualification
Charge 10 (20 November 2018):	18 months disqualification
Charge 11 (20 November 2018):	18 months disqualification
Charge 12 (20 November 2018):	18 months disqualification
Charge 13 (20 November 2018):	18 months disqualification
Charge 14 (20 November 2018):	18 months disqualification
Charge 15 (20 November 2018):	18 months disqualification
Charge 16 (20 November 2018):	18 months disqualification
Charge 17 (20 November 2018):	18 months disqualification
Charge 18 (20 November 2018):	12 months disqualification

REPORT:

Following advice from Commission Inspectors, the Commission conducted an investigation into the kennels of trainer Mr Byron Miller.

On Friday, 27 September 2019 this matter was finalised by the Commission under section 58(3) of the *Greyhound Racing Act 2017* (NSW) and Rule 92 of the Commission's Greyhound Racing Rules ("**Rules**"), at the election of the participant.

Mr Miller represented himself at the hearing.

Mr Miller pleaded not guilty to 2, 14, 15, 16, 17 and 19 and guilty to charges 2 to 13 and 18.

After considering the evidence, the Commission found proven 14 breaches of Rule 106(1)(c), two (2) breaches of Rule 106(1)(a) and one (1) breach of Rule 86(x) the Rules. For charges 1 (Rule 106(1)(d)) and 19 (Rule 86(x)) Mr Miller was found not guilty.

DECISION:

1. Mr Miller, at the material times being on 14 and 20 November 2018, was a registered trainer.
2. On 14 November 2018, Commission Inspectors inspected Mr Miller's kennels and found six (6) greyhounds housed in a six (6) berth trailer. Two (2) other greyhounds, not housed in the trailer, were issued animal welfare directions under section 24N of the *Prevention of Cruelty to Animals Act 1979* (NSW).

3. On 20 November 2018, Commission Inspectors conducted a follow-up inspection and found six (6) greyhounds housed in a six (6) berth trailer. An additional trailer was found to be housing two (2) greyhounds; these greyhounds were found to not have access to proper and sufficient water.
4. One (1) greyhound was surrendered to Commission Inspectors for veterinary treatment and a further seven (7) were seized by Commission Inspectors as they were housed in trailers and alternative arrangements made for their care.
5. Mr Miller pleaded not guilty to charges 2, 14, 15, 16, 17 and 19 and guilty to charges 2 to 13 and 18.
6. After considering all the evidence, the Commission found all charges, save for charge 1 (Rule 106(1)(d)) and charge 19 (Rule 86(x)), proven and Mr Miller formally guilty of charges 2 to 18.

Penalty

7. Mr Miller made submissions in relation to penalty, including in relation to his registration and disciplinary history, his health, his remorse and his personal and financial circumstances.
8. The Commission, after considering Mr Miller's submissions in relation to penalty and reserving its decision until 27 September 2019, took the following disciplinary action against Mr Miller:

Charge 2 (14 November 2018):	12 months disqualification
Charge 3 (14 November 2018):	12 months disqualification
Charge 4 (14 November 2018):	12 months disqualification
Charge 5 (14 November 2018):	12 months disqualification
Charge 6 (14 November 2018):	12 months disqualification
Charge 7 (14 November 2018):	12 months disqualification
Charge 8 (20 November 2018):	18 months disqualification
Charge 9 (20 November 2018):	18 months disqualification
Charge 10 (20 November 2018):	18 months disqualification
Charge 11 (20 November 2018):	18 months disqualification
Charge 12 (20 November 2018):	18 months disqualification
Charge 13 (20 November 2018):	18 months disqualification
Charge 14 (20 November 2018):	18 months disqualification
Charge 15 (20 November 2018):	18 months disqualification
Charge 16 (20 November 2018):	18 months disqualification
Charge 17 (20 November 2018):	18 months disqualification
Charge 18 (20 November 2018):	12 months disqualification

with:

- (a) 9 months and 10 days is suspended due to the period of interim suspension served;
- (b) The periods of disqualification are served concurrently;
- (c) The remaining period of disqualification to be served, commencing on 6 October 2019 and expiring on 16 July 2020.

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

- The written, photographic and video evidence of Commission staff;
- The objective seriousness of the offences, relating to the condition of Mr Miller's property between 14 November 2018 and 20 November 2018;
- The length of time Mr Miller has held a trainer registration in the greyhound racing industry: approximately 12 years;
- The period served under an interim suspension: 17 January 2019 to 6 October 2019;
- Mr Miller's very limited disciplinary history;
- Mr Miller's submissions in mitigation of penalty, including his remorse and in relation to his personal and financial circumstances

.....End.....