

GREYHOUND WELFARE & INTEGRITY COMMISSION

DISCIPLINARY ACTION DECISION

Date of decision:	4 August 2020
Decision-maker:	Chief Executive Officer, Judith Lind
Name of relevant person:	Mr Chad Garrard
Track:	N/A – Non meeting
Date:	Various
Rule no.:	Clause 10, <i>Greyhound Racing Regulation 2019</i> (NSW) x 6; Rule 106(3)(a) x 5
Charge(s):	<p>(1) Mr Garrard failed to notify the Commission of the death of a greyhound in his care on 3 February 2020, in accordance with clause 10 of the <i>Greyhound Racing Regulation 2019</i> (NSW) (“Regulations”);</p> <p>(2) Mr Garrard failed to notify the Commission, using the form approved by the Commission, of the death of a greyhound in his care on 7 April 2020 in accordance with clause 10 of the Regulations;</p> <p>(3)-(6) Mr Garrard failed to notify the Commission in the form and manner approved by the Commission of the transfer/retirement of 4 greyhounds to a third party/adoption program in accordance with Clause 10 of the Regulations;</p> <p>(7)-(11) Mr Garrard failed to notify the Commission in the form and manner approved by the Commission of the transfer of 5 greyhounds to a third party/adoption program in accordance with Rule 106(3)(a) of the GWIC Greyhound Racing Rules (“Rules”)</p>
Disciplinary action taken:	Charge 1: 9 months disqualification Charge 2: 19 weeks disqualification Charges 3-11: 12 weeks suspension (wholly and conditionally suspended)

DECISION:

The Commission has finalised its investigation into the alleged failure of Mr Chad Garrard to comply with notification requirements under clause 10(1)(e) of the Regulations relating to the death of two greyhounds under his care:

1. On 21 October 2019, Mr Garrard took under his care two unnamed greyhounds for spelling on behalf of their registered owner, who lived elsewhere in NSW, until such time as they could enter an adoption program in the local area. The unnamed greyhounds were from the same litter and were kennelled together. A third greyhound of the same owner was spelled with Mr Garrard for the same reason.
2. On 3 February 2020, Mr Garrard discovered a deceased black female greyhound on his property and a short time later he disposed of the greyhound's remains at a local waste management centre. Mr Garrard had assumed the greyhound had died from a snake bite. Mr Garrard claimed he could not identify the greyhound's ear brand and believed it to be an older greyhound in his care. Mr Garrard did not notify the Commission of the death of this greyhound.
3. Another participant attended Mr Garrard's kennels on 2 March 2020, on behalf of the owner of the three greyhounds mentioned above, in order to deliver them to the adoption program in the local area. Mr Garrard provided three greyhounds to this participant assuming that they were the correct greyhounds and they were delivered to the adoption program as pre-arranged.
4. It was later discovered that one of the greyhounds was not the greyhound arranged to enter the adoption program (that is, one of the unnamed greyhounds) and instead it was a greyhound owned by Mr Garrard.
5. The Commission commenced its investigation and conducted a kennel inspection of Mr Garrard's property on 23 March 2020. During this inspection, Mr Garrard was questioned as to the location of the unnamed greyhound and could not provide an explanation. Mr Garrard was put on notice that it was being alleged he had breached the Regulations and inform of the proper notification process.
6. On 7 April 2020, Mr Garrard lodged a scratching request through the OzChase portal seeking that a greyhound trained by Mr Garrard be scratched after it was found deceased in the kennels that morning due to a suspected twisted bowel. Mr Garrard was requested to take the greyhound to a veterinarian for assessment and to confirm the cause of death, however Mr Garrard has already disposed of the greyhound's remains at a local waste management centre.
7. Having considered all evidence, including Mr Garrard's submissions in reply, pending the finalisation of the Commission's investigations, on 20 April 2020 the Commission interim suspended Mr Garrard's trainer and breeder registrations pursuant to Rule 92(5)(c).
8. During the course of the Commission's investigation, as part of the Commission's reconciliation of greyhounds records, the Commission discovered that Mr Garrard had successfully rehomed 9 greyhounds but failed to lodge the appropriate paperwork.
9. The Commission charged Mr Garrard under:

- Clause 10 of the Regulations for failing to notify the Commission of the death of the greyhound, which on the balance of probabilities, was the unnamed greyhound under his care for spelling;
- Clause 10 of the Regulations for failing to notify the Commission in the form and manner approved by the Commission of the death of the greyhound on 7 April 2020;
- Clause 10 of the Regulations for failing to notify the Commission in the form and manner approved by GWIC of the transfer/retirement of 4 greyhounds to a third party/adoption program;
- Clause 106(3)(a) of the Rules, due to the offences pre-dating the commencement of the Regulations on 1 September 2019, for failing to notify the Commission in the form and manner approved by the Commission of the transfer of 5 greyhounds to a third party/adoption program.

10. Clause 10 and Rule 106(3)(a) read:

Clause 10(2)

- (1) A greyhound racing industry participant who owns or keeps a greyhound must, in accordance with this clause, provide the following information to the Commission—
 - (a) if the greyhound is whelped—details of the whelping,
 - (b) if there is change in the ownership of the greyhound—details of the change of ownership,
 - (c) if there is a change in the premises at which the greyhound is ordinarily kept—details of the change of premises,
 - (d) if the greyhound is inseminated (whether naturally or artificially)—details of the servicing of the greyhound,
 - (e) if the greyhound dies—details relating to the date, time and location of the death and circumstances surrounding the death (including the cause of death, if known),
 - (f) if the greyhound ceases to be a greyhound to which the Act applies—details of the reason that the greyhound ceases to be a greyhound to which the Act applies.
- (2) If the Commission approves a manner or form for providing information required by this clause, the information must be provided in the approved manner or form.
- (3) A greyhound racing industry participant who is required to provide information to the Commission under this clause must do so—
 - (a) in the circumstances referred to in subclause (1)(c)—not more than 3 days after change of premises, or
 - (b) in the circumstances referred to in subclause (1)(e)—not more than 2 days after the death of the greyhound, or
 - (c) in other circumstances—not more than 14 days after the circumstances arise.

Rule 106(3)

(3) At any time after the notification of the result of service pursuant to R136, the last registered owner of the greyhound at the relevant time, shall, notify the Controlling Body by lodging the prescribed form:

- (a) within ten working days, if that greyhound has transferred ownership, been retired as a pet or a breeding greyhound, been transferred to an adoption program, exported, surrendered to another agency...

11. Mr Garrard was notified of the charges in writing and provided a reasonable opportunity to reply, however Mr Garrard did not respond and the disciplinary proceeding was conducted in writing on the evidence before the Commission.

12. The Commission found the charges proven and took the following disciplinary action against Mr Garrard:

Charge 1 (Clause 10): To disqualify Mr Garrard for a period of 9 months;

Charge 2 (Clause 10): To disqualify Mr Garrard for a period of 19 weeks;

Charges 3-6 (Clause 10): To suspend Mr Garrard for a period of 12 weeks, wholly suspended for 12 months on the condition Mr Garrard does not breach Clause 10 or Rule 106 during that 12-month period;

Charges 7-11 (Rule 106(3)(a)): To suspend Mr Garrard for a period of 12 weeks, wholly suspended for 12 months on the condition Mr Garrard does not breach Clause 10 or Rule 106 during that 12-month period,

with:

- The periods of disqualification to be served concurrently;
- The periods of disqualification to commence on 4 August 2020;
- 14 weeks and 1 day served under an interim suspension taken into account as time served, causing the period of disqualification to expire on 20 January 2021.

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

- Mr Garrard has been a registered trainer within the greyhound industry for approximately 12 years;
- Mr Garrard has no history of like matters;
- The period served under an interim suspension: 20 April 2020 to 3 August 2020;
- The objective seriousness of charge 1, relating to the death of a greyhound Mr Garrard did not take reasonable steps to identify and charge 2, arising after Mr

Garrard has been put on notice by the Commission of the breach relating to charge 1;

- Mr Garrard's responses throughout the course of the investigation, including in relation to an explanation for his actions, that his conduct in relation to charge 1 was an honest mistake with no malice and his good history in the industry, in particular by rehoming many greyhounds over the years.
- NSW greyhound racing precedents.

.....End.....