



GREYHOUND WELFARE & INTEGRITY COMMISSION
DISCIPLINARY ACTION DECISION

Warning: This report contains language which some readers may find offensive.

Date of decision: 2 August 2022

Decision-makers: Director of Race Day Operations & Integrity, Wade Birch, Acting Deputy Chief Inspector Shaye Barrow and Steward Jason Hodder.

Name of relevant person: Mark Gatt

Track: Wentworth Park

Date: 23 July 2022

Rule no.: Rule 156(f), Rule 165(c)

Charge(s): (1) Mr Gatt did a thing that in the opinion of the Controlling Body was improper and constituted misconduct by striking the greyhound 'Hudson Road' on it's face.
(2) Mr Gatt used contemptuous, unseemly, improper, insulting or offensive language towards or in relation to GWIC Stewards.

Disciplinary action taken: **Charge 1:** 6-month disqualification
Charge 2: 5-month disqualification
with 1 month of Charge 2 to be cumulative with Charge 1;
with 4 months of Charge 2 to be concurrent with Charge 1; and
with the net penalty to be served being a 7-month disqualification.

BACKGROUND:

1. At all relevant times Mr Gatt was registered with the Commission as a Public Trainer, Breeder and Studmaster.
2. On 23 July 2022 Mr Gatt attended the Wentworth Park race meeting ("**Event**"). You had five (5) greyhounds nominated to race at the Event;
3. During kennelling, Mr Gatt presented the greyhound 'Hudson Road' ("**Greyhound**") to be weighed. Following the Greyhound being weighed, when Mr Gatt were attempting to secure the Greyhound with the leash, it has raised its head and connected with his face;

4. Following this occurring, Mr Gatt struck the Greyhound on the right side of its face with his right hand;
5. After the Event, an inquiry was commenced by stewards. The purpose of the inquiry was to inquire into Mr Gatt's conduct in relation to striking the Greyhound as well as the performance of another greyhound trained by Mr Gatt. ,
6. During the course of the inquiry, Mr Gatt used the following language towards or in relation to the Stewards:
 - "...he's just a bit of a poof";
 - "It's fucking – if a dog hits you in the fucking head, you fucking hit the cunt.";
 - "I've just fucking told you what happened---";
 - "---you're fucking pissing me off.";
 - "Just shut up and listen to me.";
 - "The dog hit me in the fucking head and I reacted to it.";
 - "I fucking...clipped him";
 - "If someone hits you in the head, you just fucking – well I do, I know that.";
 - "You are treating me like a fucking idiot.";
 - "The dog's a fucking faggot..."
 - "You've got an explanation about the dog hitting me in the head and me reacting and hitting the cunt.";
 - "You're just trying to piss me off."; and
 - "Well, I couldn't give a fuck. I couldn't give a fuck."
7. Mr Gatt was warned about his language towards officials a number of times, as well as provided the opportunity to collect himself and return to the inquiry once he was able to speak calmly. Stewards then adjourned the inquiry.
8. On 25 July 2022, the decision makers considered the material relating to the matter, including a transcript of the inquiry of 23 July 2022 and issued a Notice of Charge and Proposed Disciplinary Action ("**Notice**") to Mr Gatt which issued two charges under the GWIC Greyhound Racing Rules ("**Rules**"). The Notice proposed a penalty of a 9-month disqualification per charge. The relevant Rules read:

Rule 156(f), Rules

An offence is committed if a person (including an official):

(f) has, in relation to a greyhound or greyhound racing, done something, or omitted to do something, which, in the opinion of a Controlling Body or the Stewards:

...

(ii) constitutes misconduct or is negligent or improper.

Rule 165(c) – Rules

An offence is committed if a person (including an official):

...

(a) engages in contemptuous, unseemly, improper, insulting or offensive conduct or behaviour in any manner or form towards, or in relation to:

...

(iv) a Steward or any other official of a Controlling Body or Club;

9. On 26 July 2022 Mr Gatt attended a hearing with the decision makers held via audio-visual software, alongside his representative.
10. Mr Gatt entered a plea of guilty to both charges and both himself and his representative made submissions in relation to the charges.
11. The decision makers adjourned the hearing on 26 July 2022 to allow Mr Gatt the opportunity to provide further written submissions and references.
12. Mr Gatt's representative provided further submissions and material to the decision makers for consideration on 28 July 2022 and 1 August 2022.
13. Upon review and consideration of all of the evidence and submissions before them, the decision makers found the Charges proven and took the following disciplinary action against Mr Gatt:

Charge 1 (Rule 156(f)): To disqualify Mr Gatt for a period of 6-months; and

Charge 2 (Rule 165(c)): To disqualify Mr Gatt for a period of 5-months;

with 1 month of Charge 2 to be cumulative with Charge 1;

with 4 months of Charge 2 to be concurrent with Charge 1; and

with the net penalty to be served being a 7-month disqualification.

14. In taking this disciplinary action, the decision makers considered all evidence, including:
 - Greyhound racing penalty precedents in NSW;
 - Veterinary evidence;
 - The length of time Mr Gatt has held a registration, being a period of approximately 26 years;
 - Mr Gatt's disciplinary history – he has no like matters on his record;

- The submissions made by Mr Gatt and his representative in relation to the circumstances of the offending including his personal circumstances including personal health circumstances which are not repeated for privacy reasons and the submission that this was out of character behaviour on Mr Gatt's behalf;
- Mr Gatt's guilty plea at the first available opportunity; and
- The Commission's Penalty Guidelines in relation to Charge 2.

15. In relation to Charge 1, the decision makers noted the objective seriousness of the offending conduct, being that Mr Gatt struck a greyhound on the head with a level of force sufficient enough to cause the greyhound's head to move backwards. The decision makers afforded Mr Gatt a reduction of 25% based on his early guilty plea and considered the above subjective factors warranted a further reduction of 2 weeks, bringing the penalty to a 6-month disqualification. The decision makers considered that because of the serious nature of the offending conduct meant that it was not appropriate to reduce the penalty any further.

16. In relation to Charge 2, the objective seriousness of the offending conduct is evidenced by the Commission's Penalty Guidelines, which indicates a starting point of a 9-month disqualification. The decision makers afforded Mr Gatt a reduction of 25% based on his early guilty plea and considered the above subjective factors to warrant a further reduction of 6 weeks, bringing the penalty to a 5-month disqualification.

17. As both matters relate to separate breaches under the Rules and arise from a separate course of conduct, the decision makers considered whether a determination of cumulative penalties would be appropriate. However, it was determined that as the offending conduct in both instances occurred on the same night and have a nexus to the other, that ordering a portion of the penalty for Charge 2 be served cumulatively with the penalty for Charge 1 would be appropriate. Accordingly, decision makers determined that 1 month of the Charge 2 penalty be cumulative with the penalty for Charge 1, with the net effect being that Mr Gatt will serve a period of a 7-month disqualification for the offending conduct for both matters.

.....End.....