



**GREYHOUND WELFARE & INTEGRITY COMMISSION**  
**DISCIPLINARY ACTION DECISION**

**Date of decision:** 30 November 2021

**Decision-makers:** Chief Inspector, David OShannessy, Senior Steward, Dean Degan & Acting Senior Legal Officer, Alice Stafford

**Name of relevant person:** Mr Ian Smyth

**Date:** 5 May 2020-4 June 2021; 22 January 2021

**Rule no.:** Rule 99B(1); Rule 86(ag)

**Charge(s):** (1) Mr Smyth retained custody of named greyhounds after having been disqualified without an exemption to do so;  
(2) Mr Smyth failed to comply with Clause 4 of the *GWIC Greyhound Re-homing Policy*.

**Disciplinary action taken:** Charge 1: 3 month warning off;  
Charge 2: Formal warning.

**DECISION:**

1. On 5 May 2020 Mr Smyth was disqualified by the Commission for a period of 17 months following a breach of Rule 83(2)(a) of the GWIC Greyhound Racing Rules. The disqualification period was scheduled to conclude on 19 July 2021.
2. Mr Smyth did not seek, nor was granted any exemption, to retain custody of any greyhounds registered to him during the period of his disqualification.
3. On 22 January 2021 Mr Smyth submitted a retirement form for the greyhound 'Hey Duggee' ("**Greyhound**"). On the form he noted that the Greyhound had not been de-sexed prior to re-homing the Greyhound.
4. On 4 June 2021, Mr Smyth made admissions to a GWIC Inspector that he had retained three (3) named greyhounds in his custody after being disqualified.
5. On review of the evidence in this matter, the Commission charged Mr Smyth a charge for breach of Rule 99B(1) and 86(ag) of the Rules. These respectively read:

**Rule 86, 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 99B**

- (1) A person who is disqualified, warned off, or declared to be a defaulter:
- (a) is not permitted to conduct any business affecting the registration of greyhounds or participants with the Controlling Body;
  - (b) is not entitled to hold any registration, licence, certificate or permit issued by the Controlling Body;
  - (c) is not entitled to recognition by the Controlling Body as an owner, trainer or breeder of any greyhound or for any purpose affecting the breeding, training or racing of greyhounds;
  - (d) must not enter any racecourse or place under the control of any club or the Controlling Body;
  - (e) must not attend any race meetings pending the outcome of an appeal against a disqualification; and
  - (f) must not enter any place where greyhounds are trained, kept or raced.
6. Mr Smyth pleaded guilty, provided written submissions in response to the charges and elected to have the matter dealt with on the papers.
7. The Commission found the charges proven and took the following disciplinary action against Mr Smyth:
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|-----------|---|
| Charge 1: | To warn him off for period of 3 months; |
| Charge 2: | Formal warning.                         |
8. In taking this disciplinary action, the Commission considered all evidence and submissions, including:
- The objective seriousness of Mr Smyth’s conduct of failing to comply with the conditions of a penalty determined by the Commission;
  - The length of time Mr Smyth has held a trainer registration in the NSW greyhound racing industry, being from 2015-2020, approximately 5 years;
  - That Mr Smyth was subject to a disciplinary action penalty at the time of this offending;
  - Mr Smyth’s plea of guilty at the earliest opportunity;
  - The submissions made in mitigation of penalty on behalf of Mr Smyth.

.....End.....