



GREYHOUND WELFARE & INTEGRITY COMMISSION

DISCIPLINARY ACTION DECISION

Date of decision:	23 June 2022
Decision-makers:	Director Compliance, Policy & Legal, Matthew Tutt, Director Race Day Operations & Integrity, Wade Birch and Legal Officer Annalese Summerson-Hingston.
Name of relevant person:	Mr Brian Bush
Track:	N/A
Date:	April 2022
Rule no.:	Rule 174(7)
Charge(s):	(1) Mr Bush was convicted of an offence that the Controlling Body is satisfied is detrimental to the proper control and regulation of the greyhound racing industry;
Disciplinary action taken:	To disqualify Mr Bush for 3-years

BACKGROUND

1. Mr Bush, at all relevant times, held an Owner Trainer registration with the Commission.
2. On 19 April 2022 the Commission was made aware of a registered participant convicted of offences related to animal welfare in the Dubbo region.
3. On 2 May 2022 the Commission received the Certificate of Conviction for Mr Brian Bush, listing his charge for failure to provide proper and sufficient drink to an animal.

DECISION:

4. On 6 May 2022 Mr Bush was issued with a notice of charge and proposed disciplinary action (“**Notice**”) in relation to the charge, setting out the proposed disciplinary action to be taken and the grounds in support of that proposed disciplinary action. In the Notice, the decision makers charged Mr Bush with an offence under the Greyhound Racing Rules, being one breach of Rule 174(7), which reads:

...

(7) A Controlling Body or the Stewards may impose on a person any one or more of the penalties referred to in subrule (1) of this rule if:

(a) the person has been convicted of an offence by any court and the Controlling Body is satisfied that:

(i) the nature of the offence is such that the person's continued participation or association with greyhound racing would be detrimental to the proper control and regulation of greyhound racing; or

(ii) the continued enjoyment of rights and privileges by the person would be prejudicial or contrary to the interests of a Controlling Body.

5. The decision makers invited Mr Bush to attend a hearing on 17 May 2022, however Mr Bush was unable to attend the hearing as scheduled. Accordingly, the decision makers invited Mr Bush to provide written submissions in respect to the charge and proposed penalty by 23 June 2022. No response was received from Mr Bush however acting under Rule 11 of the Greyhound Racing Rules, the decision-makers determined that appropriate notice had been given.
6. In considering the matter, the decision makers reviewed the brief of evidence, as well as the Commission's correspondence with Mr Bush. The decision makers considered that Mr Bush had been provided with notice of the proposed disciplinary action as well as a reasonable opportunity to respond. The decision makers found the charge proven and took the following disciplinary action against Mr Bush:

Charge (Rule 174(7)): To disqualify Mr Bush for a period of 3-years.

7. In taking this disciplinary action, the decision makers considered all evidence, including:
 - Greyhound racing penalty precedents in NSW;
 - The length of time Mr Bush has been involved in the greyhound racing industry, being since 1982, a period of approximately 40 years;
 - Mr Bush's lack of any previous disciplinary history;
 - Mr Bush's lack of plea or submissions in relation to the charge;
 - The objective seriousness of Mr Bush's criminal charge, and it's nexus to the welfare of his greyhounds. This factor was the most significant factor. Any matters relating to welfare is a matter where a disqualification will be imposed;
 - Mr Bush's personal circumstances, including in relation to his health, as well as his previous communication with Commission staff of the intention to remove himself from the greyhound industry.

.....End.....