

GREYHOUND WELFARE & INTEGRITY COMMISSION

DISCIPLINARY ACTION DECISION

Date of decision:	16 November 2021
Decision-makers:	Commissioner, Peter Collins, Commissioner, Chris Wheeler, Director Compliance, Policy & Legal, Matthew Tutt
Name of relevant person:	Mr Shane Waterhouse
Track:	Casino
Date:	15 July 2021; 29 September 2021
Rule no.:	Rule 86(g); Rule 86(o)
Charge(s):	(1) On 15 July 2021, Mr Waterhouse assaulted an official of the Casino Greyhound Club (2) On 29 September 2021, whilst subject to an interim disqualification, Mr Waterhouse advised GWIC Inspectors that he had been training greyhounds in his custody
Disciplinary action taken:	Charge 1: 2-year disqualification; Charge 2: 4-month disqualification

DECISION:

1. At all relevant times, Mr Waterhouse was registered with GWIC as a Public Trainer.
2. On 10 August 2021, Mr Waterhouse received a Notice of Disciplinary Action (Interim Disqualification), disqualifying his registrations on an interim basis pending the outcome of the investigation into his conduct at Casino Greyhound Racing Club on 15 July 2021.

Charge 1 – Rule 86(g)

3. On 15 July 2021, Mr Waterhouse attended the Casino Greyhound Racing Club track.
4. Not long after the assistant manager of Casino Greyhound Racing Club arrived at the track, Mr Waterhouse went to the door of the office and had the following exchange with the assistant manager, with words to the effect:

Mr Waterhouse: *“Have you got something to say to me?”*

Assistant Manager: *“Not really, what are you after?”*

Mr Waterhouse: *“An apology”.*

Assistant Manager: *“I don’t think I owe you an apology, but I’m sorry if I’ve done anything to upset you.”*

5. Mr Waterhouse then entered the office and stood over the assistant manager. Mr Waterhouse told the assistant manager that certain personal circumstances that were occurring in his life were due to the assistant manager not letting Mr Waterhouse trial his greyhounds.
6. In response to this, the assistant manager said to Mr Waterhouse: *“I’m sorry that your life has come to that, but I think we treat everyone the same.”*
7. Mr Waterhouse then slapped the assistant manager across the face with his right hand.
8. Mr Waterhouse continued to talk to the assistant manager about trialling his greyhounds and Mr Waterhouse said to him: *“don’t look away from me, otherwise I will slap you again.”*

Charge 2 - Rule 86(o)

9. On 21 September 2021, Mr Waterhouse emailed GWIC to request if he could trial his greyhounds at either Lismore or Grafton.
10. On 21 September 2021, Mr Waterhouse was advised via email that:
 - as he had been interim disqualified, he was not able to conduct training activities;
 - as a disqualified person, he was not permitted to reside at or enter any premises that housed registered greyhounds; and
 - if Mr Waterhouse wished to retain the greyhounds in his custody, he had to seek an exemption under LR99B.
11. As of 28 September 2021, no request for an exemption to retain his greyhounds had been received by Mr Waterhouse.
12. On 29 September 2021, GWIC inspectors attended Mr Waterhouse’s registered kennels to conduct a kennel inspection.
13. During that inspection, 10 greyhounds were found to still be at Mr Waterhouse’s property, despite him not having sought an exemption to retain them.
14. During that inspection, Mr Waterhouse said to the GWIC Inspectors:
 - *“I’m stood down so I’m not allowed to train ‘em”;*
 - *“I’m not gonna lie, I’ve been taking them out and running them”;*
 - *“Yeah I’m going up to [registered participant]’s now and going up his straight track”.*

PENALTIES:

15. The Commission charged Mr Waterhouse under Rule 86(g) for the assault of an official of the Casino Greyhound Racing Club and under Rule 86(o) for his conduct whilst subject to an interim disqualification. These rules respectively read:

Rule 86(g)

A person (including an official) shall be guilty of an offence if the person-

- (g) wilfully assaults, obstructs, impedes, abuses, interferes, threatens or insults the Controlling Body, any member of the Controlling Body, a club, any member of the committee of a club, any steward or any other official of the Controlling Body or a club in or at any place including in or in the vicinity of the place where an inquiry is to take place, is taking place or has taken place;

Rule 86(o)

A person (including an official) shall be guilty of an offence if the person-

- (o) has, in relation to a greyhound or greyhound racing, done a thing, or omitted to do a thing, which, in the opinion of the Stewards or the Controlling Body, as the case may be, is negligent, dishonest, corrupt, fraudulent or improper, or constitutes misconduct;

16. Mr Waterhouse attended a hearing on the charges and pleaded not guilty to both charges.
17. A lot of the evidence given in relation to both charges by Mr Waterhouse was accepting, or admitting the circumstances of the charges and that his pleas of not guilty were on the basis that there were extenuating circumstances. Therefore, the Commission did not aggravate the penalty on the basis of his not guilty pleas, given the status of the admissions and contrition shown as part of the evidence.
18. In relation to Charge 1, the Commission would normally start with a penalty of 3 years disqualification, but reduced the starting point given Mr Waterhouse's admissions. The penalty was further reduced on the basis of other mitigating factors which were significant and genuine and supported by written evidence and are not stated here due to privacy reasons.
19. The main aspect that was regarded as an aggravating factor was the objective seriousness of the conduct. Any participant who strikes a club employee going about their business in an official capacity needs to be dealt with seriously. A lengthy disqualification must be the only penalty in these circumstances. Even though there were significant factors in mitigation these cannot outweigh the seriousness of the conduct.
20. The ultimate penalties took into account all relevant factors, including:
 - Mr Waterhouse has been a registered trainer for approximately 9 years;
 - Mr Waterhouse's disciplinary history, having no prior like matters on his record; and
 - NSW greyhound racing precedents.
21. The Commission found the charges proven and took the following disciplinary action against Mr Waterhouse:

Charge 1 (Rule 86(g)): To disqualify Mr Waterhouse for a period of 2 years;
Charge 2 (Rule 86(o)): To disqualify Mr Waterhouse for a period of 3 months

with:

- time served under an interim disqualification (since 10 August 2021) taken into account as time served for charge 1; and
- the penalties to be served concurrently.

.....End.....