



GREYHOUND WELFARE & INTEGRITY COMMISSION

DISCIPLINARY ACTION DECISION

Date of decision:	2 December 2021
Decision-makers:	Chief Inspector, David OShannessy, Senior Steward, Dean Degan & Acting Senior Legal Officer, Alice Stafford
Name of relevant person:	Mr Garth Roesse
Date:	11 May 2021; March 2021
Rule no.:	Rule 86(x); Clause 10, Regulations
Charge(s):	(1) Mr Roesse made a false statement to a GWIC Inspector during an ongoing investigation; (2) Mr Roesse failed to comply with Clause 10 of the <i>Greyhound Racing Regulations</i> .
Disciplinary action taken:	Charge 1: 4-month disqualification; Charge 2: \$200 fine.

DECISION:

1. Mr Roesse was registered as an Owner Trainer at all material times.
2. On 21 January 2021 Mr Roesse was the owner of the greyhound 'Off to Monaco' ("**Greyhound**"). He entered into a breeding leasing agreement with a registered Breeder ("**nominated Breeder**") in relation to the Greyhound.
3. The Breeding Lease Authority Form specified the registered premises ("**original premises**") at which the Greyhound would reside. This address was further confirmed on the Breeding Female Registration Application form.
4. Sometime prior to 4 April 2021 the Greyhound was relocated to the premises of a second registered Breeder and left in that breeder's care.
5. Mr Roesse did not advise the Commission that the Greyhound had been relocated to the new premises and into the second Breeder's care as he was required to do under the Greyhound Racing Regulations.
6. On 4 April 2021 the Greyhound whelped a litter of 8 pups whilst under the care of the second Breeder. The Greyhound and resulting litter remained under the care of that second Breeder.

7. On 18 April 2021 a Whelping Notice was lodged with the Commission in relation to the Greyhound and the resulting litter, advising that the Greyhounds were located the original premises under the care of that nominated Breeder.
8. On 11 May 2021 a GWIC Inspector conducted an interview with Mr Roesse during which he stated that the litter had been whelped at the original premises under the care of the nominated Breeder.
9. On 3 June 2021 in a further interview with the GWIC Inspector Mr Roesse made admissions that he had lied in the previous interview, and that the litter had been whelped at the new premises under the care of the second Breeder.
10. On review of the evidence in this matter, the Commission charged Mr Roesse a charge for breach of Rule 86(x) of the Greyhound Racing Rules and Clause 10 of the Greyhound Racing Regulations. These respectively read:

Rule 86, Rules

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

...

- (x) makes any statement which to his/her knowledge is false either oral by, by print, in writing, by electronic means or by any combination thereof to a member of the Controlling Body, an officer of the Controlling Body, any employee of the Controlling Body, a veterinary surgeon or an official in the execution of his/her duty

Clause 10, Regulations

- (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-

...

- (c) if there is a change in the premises at which the greyhound is ordinarily kept – details of the change of premises

...

- (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.

11. Mr Roesse pleaded guilty to the first charge and not guilty to the second charge, provided written submissions in response to the charges and elected to have the matter dealt with on the papers.

12. The Commission found the charge proven and took the following disciplinary action against Mr Roesse:

Charge 1: To disqualify him for a period of 4 months;

Charge 2: To issue him a fine of \$200.

13. The Commission considered the conduct of misleading inspectors as to the location of a litter of pups very serious. It is important that the regulator knows the location of every greyhound to ensure the welfare of those greyhounds can be protected. Whilst in this case the greyhounds were relocated to another registered premises that does not take

away from the fact the Commission did not have any knowledge of the new location of the greyhounds.

14. Important integrity matters are also relevant. If participants transfer greyhounds to other participants without advising the regulator it has the ability to affect compliance activities. It is also important to note that the Commission is tasked with the responsibility of ensuring it knows the location of every greyhound at all times. When participants don't comply with the rules surrounding notification of greyhounds that makes the Commission's role more challenging – when participants then lie about the location of greyhounds during an investigation, this makes the Commission's integrity and compliance programs even more difficult.
15. Therefore, in summary, in taking this disciplinary action, the Commission considered all evidence and submissions, including:
 - The objective seriousness of Mr Roese's conduct, in particular making a false statement to a GWIC Inspector as part of an ongoing investigation;
 - The length of time Mr Roese has held a trainer registration in the NSW greyhound racing industry, being from 2001, approximately 20 years;
 - The engagement by Mr Roese in 10 breaches of Rule 104(6) earlier in 2021;
 - Mr Roese' plea of guilty to charge 1 at the earliest opportunity;
 - The submissions made in mitigation of penalty on behalf of Mr Roese, including in relation to the circumstances of the offending, his personal circumstances and his remorse.
16. Mr Roese sought a deferral of penalty from the Commission under Rule 95(5). The Commission granted this request. As such, Mr Roese's period of disqualification commenced at 12:00am Monday 6 December 2021 and will expire at 11:59pm 5 April 2022.

.....End.....