



GREYHOUND WELFARE & INTEGRITY COMMISSION
DISCIPLINARY ACTION DECISION

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

Date of decision:	5 December 2022
Decision-makers:	Director Race Day Operations & Integrity, Wade Birch, Chief Inspector, David OShannessy
Name of relevant person:	Mr Mark Ballantine
Track:	N/A
Date:	May and July 2022
Rule no.:	Rule 156(g)(iv) x5, Rule 21(1)(c), Rule 151(1), Standard 3.16, Clause 10(1)(c) and Standard 5.2
Charges:	<p>(1)-(2) Mr Ballantine obstructed or abused a staff members of the Controlling Body;</p> <p>(3) Not proven;</p> <p>(4)-(5) Mr Ballantine threatened and abused a staff member of the Controlling Body;</p> <p>(6) Mr Ballantine failed to maintain clean and sanitary kennels;</p> <p>(7) Mr Ballantine failed to keep and maintain written treatment records;</p> <p>(8) Mr Ballantine failed to comply with Standard 3.16 of the Code of Practice;</p> <p>(9) Mr Ballantine failed to notify the Commission of the change of premises of a greyhound within the required period;</p> <p>(10) Mr Ballantine failed to comply with Standard 5.2 of the Code of Practice.</p>
Disciplinary action taken:	<p>Charge 1: To disqualify Mr Ballantine for 9 months;</p> <p>Charge 2: To disqualify Mr Ballantine for 6 months;</p> <p>Charge 4: To disqualify Mr Ballantine for 2 years;</p> <p>Charge 5: To disqualify Mr Ballantine for 2 years;</p> <p>Charge 6: To suspend Mr Ballantine for 4 months;</p> <p>Charges 7-10: To issue fines in the total sum of \$1,000.00</p>

with the penalties for Charges 1 and 2 to run concurrently with the penalty for Charge 4;

with 12 months on the penalty for Charge 5 to run concurrently with Charge 4;

with the net effect upon Mr Ballantine being a 3-year period of disqualification from the industry;

with the time served by Mr Ballantine under interim suspension to be taken into account, from 22 July 2022; and

with the period of disqualification to be complete on 21 July 2025.

DECISION:

1. Mr Ballantine was, at all relevant times, a registered Owner and Attendant with the Commission.
2. On 30 September 2022 Mr Ballantine was issued with a Notice of Charge and Proposed Disciplinary Action (“**Notice**”) in relation to the charges, with an attached brief of evidence for the Charges. In the Notice, the decision makers charged Mr Ballantine with various breaches of the Greyhound Racing Rules, the Greyhound Racing Regulation 2019 and the NSW Greyhound Welfare Code of Practice, which were;

Rule 156(g)(iv)

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

(g) wilfully assaults, obstructs, impedes, abuses, interferes with, threatens or insults:

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

in or at any place, including at or in the vicinity of the place where an inquiry, other disciplinary process, hearing or appeal proceeding is to take place, is taking place or has taken place.

Rule 21(1)(c)

(1) A person must ensure that any greyhound in the person's care or custody, is at all times provided with:

...

(c) kennels constructed and of a standard approved by a Controlling Body which are adequate in size and which are kept in a clean and sanitary condition;

Rule 151(1)

1) The person in charge of a greyhound must keep and retain written records detailing all vaccinations, antiparasitic and treatments administered to the greyhound:

(a) from the time the greyhound enters their care until the greyhound leaves their care; and

(b) for a minimum of two years.

Standard 3.16, Code of Practice

Participants must monitor the dental health of all greyhounds in their care, and seek veterinary treatment if required.

Clause 10, Greyhound Racing Regulation

(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.

Standard 5.2, Code of Practice

Greyhounds must be securely confined to prevent their escape from the property at which they are kept, and prevent unauthorised persons gaining access to the greyhounds. Unless the greyhound is under supervision, there must be at least two barriers between a greyhound and escape from the property at all times.

3. The particulars for the charges were as follows:

Charge 1 – Rule 156(g)(iv)

On 24 May 2022 Mr Ballantine intentionally obstructed a GWIC inspector in the exercise of the inspector's powers namely section 75(2)(a) by refusing entry and preventing the inspection of kennels by a GWIC Inspector.

Charge 2 – Rule 156(g)(iv)

On 1 July 2022 Mr Ballantine abused a GWIC Inspector in a telephone conversation, where he was verbally abusive and yelled at her.

Charge 3 – Rule 156(g)(iv)

On 15 July 2022, Mr Ballantine did intentionally obstruct an inspector in the exercise of the inspector's powers namely, section 75(2)(a) by refusing entry and preventing the inspection of his kennels by two GWIC Inspectors.

NOTE: This charge was found not proven and subsequently withdrawn.

Charge 4 – Rule 156(g)(iv)

On 15 June 2022 Mr Ballantine threatened and abused a GWIC Inspector by saying to the Inspector "*you want me to fucking unleash on you, aye?*" and "*Mate, do you want to be fucking knocked out, cunt?*"

Charge 5 – Rule 156(g)(iv)

On 18 July 2022 Mr Ballantine did threaten and abuse a GWIC Inspector in a telephone conversation with a GWIC Director by stating he was going to "*kill the cunt if he comes back to this premises*" and "*if that cunt ever comes near our property again [he] is going to kill him*"

Charge 6 – Rule 21(1)(c)

On 12 May 2022, 27 May 2022 and 15 July 2022, Mr Ballantine's kennels were not kept in a clean and sanitary condition due to poor hygiene (build-up of faecal matter), odour and kennel floor drainage issues.

Charge 7 – Rule 151(1)

On 15 July 2022, as the person in charge of greyhounds it was identified during a kennel inspection that no written records were kept or retained detailing treatments administered to those greyhounds.

Charge 8 – Standard 3.16, Code of Practice

On 12 May 2022 and 27 May 2022, during kennel inspections, dental examination of the greyhounds ‘Miss Ballows’ ‘Sweet Runner’ and ‘Where’s Ballo’ found dental issues resulting in the service of a POCTAA 24N Notice for veterinary examination and treatment, therefore showing a lack of monitoring of the greyhound’s dental health in Mr Ballantine’s care.

Charge 9 – Clause 10, Greyhound Racing Regulation

On 12 May 2022 and 27 May 2022, during microchip scanning of greyhounds, the greyhound ‘Sweet Runner’ was located at Mr Ballantine’s address when OzChase records showed the greyhound’s location as at the kennels of Mr Paul Ballantine.

Charge 10 – Standard 5.2, Code of Practice

On 24 May 2022 Mr Ballantine had in his care the greyhound ‘Furious Not Fast’ which was observed in the front yard of the premises with only one barrier to the street and not under supervision.

4. On 30 September 2022 Mr Ballantine attended a hearing, entered a plea of not guilty to each Charge and made verbal submissions in respect to whether the Charges should be found proven.
5. Mr Ballantine was issued a Second Notice on 31 October 2022. The Second Notice found Charges 1-2 proven, Charges 4-6 proven, Charge 7 proven with amended particulars and Charges 8-10 proven. The Second Notice found Charge 3 not proven. The Second Notice gave Mr Ballantine an opportunity to respond in respect to proposed disciplinary action.
6. The Commission considered all available material and determined to take the following disciplinary action against Mr Ballantine:

Charge 1 (Rule(156(g)(iv)):	To disqualify Mr Ballantine for 9 months;
Charge 2 (Rule(156(g)(iv)):	To disqualify Mr Ballantine for 6 months;
Charge 4 (Rule(156(g)(iv)):	To disqualify Mr Ballantine for 2 years;
Charge 5 (Rule(156(g)(iv)):	To disqualify Mr Ballantine for 2 years;
Charge 6 (Rule(21(1)(c)):	To suspend Mr Ballantine’s registrations for a period of 4 months;
Charges 7-10:	To issue a fine in the total sum of \$1,000.00;

with the penalties for Charges 1 and 2 to run concurrently with each other and the penalty for Charge 4;

with 12 months of the penalty for Charge 5 to be cumulative with the penalty for Charge 4;

with the net effect upon Mr Ballantine being a 3-year period of disqualification from the industry;

with the time served by Mr Ballantine under interim suspension to be taken into account, from 22 July 2022; and

with the period of disqualification to be complete on 21 July 2025. The decision-makers considered the totality principle when coming to an appropriate total penalty.

7. In taking this disciplinary action, the decision makers considered all evidence, including:

- Greyhound racing penalty precedents in NSW and the Commission's Penalty Guidelines;
- The length of time Mr Ballantine has held a registration, being since 2013, a period of approximately 10 years;
- Mr Ballantine's plea of not guilty to all Charges;
- Mr Ballantine's submissions in relation to the Charges;
- Mr Ballantine's penalty history, which includes a previous breach of Rule 86(f) in September 2021 for using offensive language towards a GWIC Steward. The decision makers determined not to activate the suspended portion of that penalty; and
- The objective seriousness of the conduct as a greyhound industry participant.

8. The Commission has previously made it very clear that any abusive conduct directed at Commission staff will be treated very seriously. Commission staff perform an important role in ensuring the integrity of the industry is preserved and accordingly, must be protected from conduct from participants such as in the present case. Conduct that directs abuse and threats of violence towards Commission staff will always result in significant periods of disqualification.

9. The Commission has provided warnings in previous disciplinary matters that such conduct against Commission employees will result in significant penalties.

.....End.....