

Racing Appeals & Disciplinary Board

Media Release

17 May 2017

Racing Appeals & Disciplinary Board

Date of Hearing: Wednesday, 17 May 2017
Venue of Hearing: Law Institute of Victoria, 470 Bourke Street, Melbourne
Panel: Mr. Shane Marshall (Chairman), Mr. David Gleeson and Mr. Peter Lee
Name of Person Charged: Mr. Norman Smith
Town: Swan Hill
Track: N/A
Dates: Between 6 and 9 August 2016
GAR No: GAR 106 (1)(d) and GAR 106 (2)

Offences Charged: Charge (1) in that between 6 and 9 August 2016, Mr. Smith failed to provide a greyhound in his care and custody, namely "Harry" with veterinary attention when necessary.

Charge (2) in that between 6 and 9 August 2016, Mr. Smith failed to exercise such reasonable care as may be necessary to prevent a greyhound in his care from being subjected to unnecessary pain or suffering.

REPORT:

The Stewards of Greyhound Racing Victoria conducted an investigation into the animal welfare issues of Mr. Norman Smith at his property at Swan Hill between 6 and 9 August 2016.

During the investigation, Stewards received evidence from registered trainer Mr. Norman Smith, Mr. Bradley Dunn (GRV – Welfare Inspector), Ms. Veronica Abbot (GRV – Welfare Inspector), Dr. Anna Donahoo (Swann Hill Veterinary Clinic), Mr. Simon Primrose (GRV – Investigations Officer).

After considering the evidence, Stewards charged Mr. Smith with breaches of Greyhounds Australasia Rules as indicated in charges (1) and (2) above.

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Under Rule 47.1 of the Greyhound Racing Victoria Local Rules breaches of GAR 106 (1) (d) and GAR 106 (2) constitute Serious Offences. As a result on Wednesday, 17 May 2017 this matter was heard before the Racing Appeals and Disciplinary Board in the first instance under Greyhound Local Racing Rule 47.3 and Sections 83C(b) and 83M(1) of the Racing Act.

Mr. Norman Smith represented himself at the hearing.

Ms. Jade Murphy GRV Senior Lawyer represented the Stewards Panel.

Mr. Norman Smith pleaded guilty to the charges.

DECISION:

1. Mr. Norman Smith is a registered owner and breeder of greyhounds. At all material times he had under his care and control a black greyhound with microchip number 95600004571997, with the kennel name, "Harry".
2. On 6 August 2016, Harry was involved in a fight with another greyhound and sustained substantial wounds to his neck. Mr. Smith broke up the fight. He noticed the injuries to Harry's neck but did not seek veterinary treatment for Harry. He applied an unbranded ointment cream to the injury, without knowing the ingredients of the ointment. At the time of the sustaining of the injury Mr. Smith did not believe the wounds required stitching but later, on reflection, agreed that they did.
3. The wounds became infected as a result of bedding being stuck to them.
4. On 9 August 2016, animal welfare inspectors employed by Greyhound Racing Victoria ("GRV"), conducted a kennel inspection at Mr. Smith's premises. The inspectors observed Harry. They saw that he had a large, deep, open wound on the left side of his neck and a smaller wound on the right side. The wound had not been treated by a veterinarian.
5. When the inspectors examined the greyhound he showed signs of pain and distress and was reluctant to move. The inspectors asked Mr. Smith to seek immediate veterinary treatment for Harry.
6. During the afternoon of 9 August 2016, Harry was examined by Dr. Donahoo at the Swan Hill Veterinary Clinic. Dr. Donahoo found that Harry was reluctant to walk and had to be carried. When he was picked up, he showed immediate signs of distress. His temperature was high. His wounds were infected. The wounds did not appear to have received any attention prior to attendance at the clinic. They were too infected for surgical options to be considered. While being clipped and during the treatment Harry showed immediate signs of pain. The clinic provided Mr. Smith with medication for the greyhound.

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7. The greyhound returned to the clinic on 16 August 2016 at which time it was observed that the neck wounds were reducing and there was no soreness around them. On 11 January 2017, GRV Investigations Officer, Mr. Simon Primrose, attended at Mr. Smith's property to assess the welfare of Harry and observed that the wounds had completely healed with only minor scarring.
8. In a preliminary inquiry held on 23 February 2017, Mr. Smith agreed that Harry had sustained a significant injury and if veterinary treatment had have been provided earlier the infection would not have occurred. He admitted that without veterinary intervention the wounds would not have healed as quickly as they did.
9. Stewards of GRV have laid two charges against Mr. Smith. The first is under Greyhound Australasia Rule ("GAR") 106 (1)(d) for failing between 6 August and 9 August 2016 to provide a greyhound in his care and custody with veterinary attention when necessary. The second is under GAR 106 (2). It alleges that between 6 August and 9 August 2016 he failed to exercise such reasonable care to prevent a greyhound in his care from being subjected to unnecessary pain or suffering.
10. The particulars of the first charge allege that the failure to provide the necessary veterinary attention resulted in systemic infection of the wounds. The particulars of the second charge allege that the failure to provide any pain relief subjected the greyhound to unnecessary pain and suffering.
11. When interviewed at the preliminary inquiry, Mr. Smith said that on reflection the larger of the two wounds required stitching on 6 August 2016 rather than having ointment applied to it. Mr. Smith also agreed that an open wound could lead to a serious infection. He admitted not to using ointment on a wound that big before. He agreed that the injury was significant. He admitted that had veterinary treatment been provided earlier the infection may have been localised rather than systemic. He further agreed that a bite injury from another dog ran a higher risk of infection. Mr. Smith said that if GRV officers had not intervened he did not know when he would have taken Harry to a veterinarian.
12. Mr. Smith admitted that appropriate veterinary treatment had not been provided before 9 August 2016. He said that he really should have known, based on 22 years experience as a breeder that the injury needed to be treated by a veterinarian. He further admitted that the injury would have been uncomfortable and painful for the dog and that he gave him no pain relief. Mr. Smith said that if presented with the same scenario now he would take the dog to a veterinarian.
13. In the preliminary inquiry Mr. Smith effectively admitted each element of the two charges. Mr. Smith has pleaded guilty to the charges. We find them proven. We

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accept that Mr. Smith is of general good character, has a good record and is remorseful. Specific deterrence does not loom large in our consideration on penalty. However general deterrence and the importance of animal welfare are critical considerations. Greater care must be taken by registered participants to prevent harm to their greyhounds. Mr. Smith's lack of attention to Harry's injuries resulted in them being more serious than they otherwise would have been and more painful.

14. Notwithstanding, Mr. Smith's long unblemished record and guilty plea we consider that the breach of GAR 106 (2) calls for a period of disqualification. On that charge we disqualify Mr. Smith for 6 months with 3 months suspended pending no further breach of GAR 106 in the next 12 months. On the breach of GAR 106 (1)(d) we fine Mr. Smith \$250. The period of disqualification shall commence on 26 May 2017.

.....End.....