

GREYHOUND

Racing Appeals & Disciplinary Board

Media Release

12 April 2017

Racing Appeals & Disciplinary Board

Date of Hearing: Wednesday, 12 April 2017
Venue of Hearing: Law Institute of Victoria, 470 Bourke Street, Melbourne
Panel: Ms. Gail Owen (Chairman), Mr. David Gleeson and Mr. Peter Lee
Name of Person Charged: Mr. Gregory Berry
Town: Toolleen
Track: N/A
Dates: Between 2 October 2016 and 10 October 2016
GAR No: GAR 106 (1)(d), GAR86(d), GAR 106 (2) and GAR 32

Offences Charged: Charge (1) In that between Sunday, 2 October 2016 and Monday, 10 October 2016 Mr. Berry failed to provide a greyhound in his care and custody, namely "Princess Vintage" with veterinary attention when necessary.

Charge (2) In that between Sunday, 2 October 2016 and Monday, 10 October 2016 during an inquiry with GRV Steward Kim Meredith, at the Shepparton Greyhound Racing Club, Mr. Berry made a false and misleading statement to the Steward when he was questioned about the veterinary treatment provided to "Princess Vintage".

Charge (3) In that between Sunday, 2 October 2016 and Monday, 10 October 2016 Mr. Berry 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.

Charge (4) In that between Sunday, 2 October 2016 and Monday, 10 October 2016 Mr. Berry was the trainer of a greyhound namely "Princess Vintage" drawn for an event that was not fit and properly conditioned to race and that he failed to report this to the Stewards as soon as practicable.

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REPORT:

The Stewards of Greyhound Racing Victoria conducted an investigation into the animal welfare issues of Mr. Gregory Berry between 2 October 2016 and 10 October 2016.

During the investigation, Stewards received evidence from registered trainer Mr. Gregory Berry, Ms. Kim Meredith (GRV Steward), Dr. James Chadwick (Veterinary surgeon) Dr. Anthony James (GRV - Veterinary Inspection Officer) and Mr. Simon Primrose (GRV Investigations Officer).

After considering the evidence, Stewards charged Mr. Berry with breaches of Greyhounds Australasia Rules as indicated in charges (1) to (4) above.

Under Rule 47.1 of the Greyhound Racing Victoria Local Rules breaches of GAR 106 (1)(d), GAR86 (d), GAR 106 (2) and GAR 32 constitute Serious Offences. As a result on Wednesday, 12 April 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. Gregory Berry represented himself.

Mr. Marwan El-Asmar GRV Managing Principal Lawyer represented the Stewards Panel.

Mr. Gregory Berry pleaded guilty to charges 1, 2 and 4 and pleaded not guilty to charge 3.

DECISION:

1. Mr. Gregory Berry is a NSW registered trainer and, at all material times, was the trainer of "Princess Vintage".
2. Mr. Berry pleaded guilty to three charges under Greyhound Australasia Rules (GAR) 32, 86(d) and 106(1)(d). He pleaded not guilty to the charge under GAR 106(2). Breaches of GAR 86(d), 106(1)(d) and 106(2) are serious offences and must be heard and determined by this Board. A breach of GAR 32 is a non-serious offence but the Stewards have sought to have all charges heard together.
3. Mr. Berry's view was that in administering staples to Princess Vintage's wound he did not inflict any pain. He said that she did not react and, had she reacted, he would have stopped immediately.
4. While Mr. Berry was initially untruthful when questioned by Stewards on race day, he subsequently co-operated fully with their inquiry and has shown remorse, admitted his mistakes and apologised for his actions.
5. In the circumstances and taking into account:

The Racing Appeals & Disciplinary Board (RADB) is established under section 83B of the Racing Act (1958). The RADB is an independent Board established to hear and determine appeals in relation to decisions made under the rules to impose penalties on persons and to hear and determine charges made against persons for serious offences.

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- (a) Mr. Berry's guilty plea to three of the four charges;
- (b) Mr. Berry's co-operation with the Stewards (albeit not initially);
- (c) the fact that the initial injury was properly treated by a veterinarian and Mr. Berry subsequently provided limited pain relief (in the form a cream);
- (d) the need for specific and general deterrence and the need to maintain integrity of greyhound racing;
- (e) the fundamental importance of ensuring animal welfare; and
- (f) Mr. Berry's genuine remorse at his actions,

the Board has determined to suspend Mr. Berry for 12 months of which 10 months is suspended pending no breach, during the 12 month period, of GAR 106. That suspension is to take effect immediately. In addition, the Board imposes a fine of \$250 on the charge under GAR 106(2) of failing to provide reasonable care and supervision to prevent a greyhound, Princess Vintage, in his care and custody from being subjected to unnecessary pain or suffering.

.....End.....