

## Racing Appeals & Disciplinary Board

# Media Release

19 January 2017

## Racing Appeals & Disciplinary Board

Date of Hearing: Thursday, 19 January 2017  
Venue of Hearing: Victorian Commission for Gambling and Liquor Regulation  
49 Elizabeth Street, Richmond, Victoria  
Panel: Mr. Shane Marshall (Chairman), Mr. Terry O'Connor (Deputy  
Chairman), and Mr. Andrew Gould  
Name of Person Charged: Mr. Jason Formosa  
Town: Heathcote  
Track: N/A  
Dates: Between 29 July 2015 and 16 September 2016  
GAR No: GAR 106 (1)(d), GAR 106 (2) and GAR 86 (o)

Offences Charged: Charge (1) Mr. Formosa did fail to provide veterinary attention to the greyhound Super Ballotelli between 29 July 2015, when the greyhound was diagnosed with a fractured tail and had partially severed its tail, and 16 September 2015, when the greyhound was presented to compete at the Bendigo greyhound racing track.

Charge (2) Mr. Formosa did fail to exercise such reasonable care and supervision as was necessary to prevent the greyhound Super Ballotelli from being subject to unnecessary pain or suffering.

Charge (3) Mr. Formosa did (1) fail to obtain veterinary treatment to the greyhound Super Ballotelli at all necessary times between 29 July 2015, when the greyhound was diagnosed with a fractured tail and had partially severed its tail, and 16 September 2015, when the greyhound was presented to compete at the Bendigo greyhound racing track, (2) on or around 30 July 2015, after the greyhound was diagnosed with a fractured tail, remove part of the greyhound's tail without having the required qualifications or training to do so; (3) after removing a part of the greyhound's tail on or around 30 July 2015, fail to obtain or provide appropriate treatment to prevent infection to the wound on the tail of the greyhound, or to prevent the greyhound from

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experiencing unnecessary pain or suffering and (4) after removing a part of the greyhound's tail on or around 30 July 2015, fail to properly bandage the tail of the greyhound leading up to 16 September 2015, when the greyhound was presented to compete at the Bendigo greyhound racing track.

### REPORT:

The Stewards of Greyhound Racing Victoria conducted an investigation into the animal welfare issues of Mr. Jason Formosa between 29 July 2015 and 16 September 2015.

During the investigation, Stewards received evidence from registered trainer Mr. Jason Formosa, Ms. Kim Meredith (GRV Steward), Dr. Chi Wai Wong (Veterinary surgeon) Dr. James Chadwick (Veterinary surgeon) Dr. Anthony James (GRV - Veterinary Inspection Officer) and Mr Greg Huntington (Manager Investigations Unit).

After considering the evidence, Stewards charged Mr. Formosa with breaches of Greyhounds Australasia Rules as indicated in charges (1) to (3) above.

Under Rule 47.1 of the Greyhound Racing Victoria Local Rules breaches of GAR 106 (1) (d), GAR 106 (2) and GAR86 (o) constitute Serious Offences. As a result on Thursday, 19 January 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. Jason Formosa represented himself.

Mr. Patrick Considine Minter Ellison Solicitors instructed by Mr. Andrew Cusumano Solicitor Greyhound Racing Victoria represented the Stewards Panel.

Mr. Jason Formosa pleaded guilty to charge 1, as a consequence the Stewards withdrew charges 2 and 3.

### DECISION:

1. Mr. Jason Formosa is a registered greyhound trainer and was, at all material times, the owner/trainer of the greyhound, "Super Ballotelli". Super Ballotelli was entered for an event at Bendigo on 29 July 2015. Dr. Wong was the on course veterinarian that day. Dr. Wong examined the greyhound shortly before the scheduled event. He noticed blood dripping through a bandage on the tail. He removed the bandage and noticed that the tail was fractured. The handler of the greyhound, Mr. Jordan Formosa claimed to be unaware of the injury. Dr. Wong applied a compression bandage to the tail to stabilise the fracture. He said he told Jordan Formosa to "bring the dog to a vet as soon as possible to have the tail looked at". A 14 day stand down was issued to the greyhound and he was scratched from the event. Dr. Wong said he has not seen Super Ballotelli since 29 July 2015.

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2. Jordan Formosa told a preliminary inquiry that Dr. Wong told him to “treat the tail” while the dog was injured. He didn’t recall Dr. Wong saying to take him to a veterinary surgeon but “to treat him”. However, common sense dictates that even if that was all that was said, such treatment would be given by a veterinary surgeon given the nature of the injury.
3. Jason Formosa was informed by Jordan Formosa on 29 July 2015 about the fractured tail. He told the preliminary inquiry that Dr. Wong said to “treat the dog’s tail”. However, Jason Formosa did not seek veterinary assistance. Instead he treated the dog himself. Using a surgical blade he cut off part of the dog’s tail. He gave the dog no pain relief but merely applied some antiseptic called “True Blue”. Jason Formosa told the preliminary inquiry that he probably should not have amputated the dog’s tail. He said he didn’t tape the wound but left it open with True Blue spray on the end of it. He agreed with the chairman of the inquiry when he put to him that the dog would have been in a bit of pain.
4. The greyhound was not taken to a veterinarian to treat the tail until 16 September 2015 when presented to race in an event at Bendigo. In between 29 July 2015 and 16 September 2015 the greyhound raced on 12, 19 and 26 August and 3 September 2015. The trainer did not tape the tail on the first three occasions but on 3 September the on course veterinarian taped it due to bleeding. He didn’t take the dog to a veterinarian after the 3 September 2015 event as the on course veterinarian didn’t mention a need to do so.
5. Mr. Jordan Formosa galloped the greyhound on 11 September 2015 and on 12 September 2015 taped the tail firmer than he usually would. He did not apply a fresh bandage.
6. When the greyhound was presented for the event on 16 September the on course veterinarian, Dr. Chadwick, examined him as a result of what he said was the concern of the stewards about “an inquiry to the tail that had been wrapped by the owner”. Dr. Chadwick said that when he removed “vetwrap” from the distal section of the tail, the tail was painful and “distal 5cm was undergoing gangrenous necrosis due to” “a combination of infections and lack of blood supply due to tape”. Dr. Chadwick said that if the infections continued without treatment it may have been life threatening. The greyhound was stood down from racing. Mr. Jason Formosa was instructed to seek veterinary attention for the dog. That evening the necrotic section of the tail was removed by Dr. Sue Collins.
7. Dr. Anthony James is a Veterinary Inspection Officer employed by Greyhound Racing Victoria (“GRV”). In his professional opinion, the compound fracture of the tail on 29 July 2015 required urgent treatment to prevent infection and it was reasonable to expect that treatment would be arranged on 30 July 2015. He considers the

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amputation performed by Mr. Jason Formosa to have been inappropriate and that the way it was done would have caused infection and pain.

8. Dr. James said that the treatment of the wound using "True Blue" was inappropriate, ineffective and harmful to the health of the tail. He said it would not have cleaned away contamination or prevented infection. Dr. James said that the treatment of the amputation wound required general anesthesia and associated veterinary work. Significantly, Dr. James considered that the sporadic bleeding between 29 July 2015 and 16 September showed that the healing of the distal end of the tail was not satisfactory. He said that the tail "was healing with fragile granulation tissue and no tissue pad forming" and that "this clinical condition would have caused pain and suffering". Dr. James also considered that the gangrenous and necrotic tail diagnosed on 16 September 2015 would have caused pain to the greyhound. In his view that overly tight bandage or "vetwrap" would have assisted to cause necrosis of affected tissue, together with infection. This would have been compounded by an overly tight bandage being on since 11 September 2015 and not being changed despite a hydrobath on 12 September 2015.
9. Stewards of GRV initially charged Mr. Jason Formosa with three serious offences. The first is under Greyhound Australasia Rule ("GAR") 106 (1)(d). It provides that: - "A registered person must ensure that greyhounds which are in the person's care or custody are provided at all times with - ... veterinary attention when necessary".
10. The particulars of the charge are that Mr. Formosa failed to provide veterinary attention to Super Ballotelli between 29 July 2015 when diagnosed with a fractured tail and had partially severed his tail on 16 September 2015 when presented to compete at Bendigo.
11. The second charge is one under GAR 106 (2) which provides that: - "A registered person must exercise such reasonable care and supervision as may be necessary to prevent greyhounds pursuant to the person's care of custody from being subjected to unnecessary pain or suffering". This charge was withdrawn at the hearing.
12. The third charge is under GAR 86 (o). So far as is material that sub-rule provides that: - "A person ... shall be guilty of an offence if the person ... has, in relation to a greyhound ... done a thing which, in the opinion of the Stewards ... is negligent ... improper or constitutes misconduct" This charge was withdrawn at the hearing.
13. Mr. Formosa pleaded guilty to the first charge on the basis of the withdrawal of the other charges. We find the first charge proven. The particulars of the charge are correct as a matter of fact. Mr. Formosa should not have performed the partial amputation himself. He should have sought veterinary attention for the greyhound on 30 July 2015 and subsequent to that time leading up to his presentation of the

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greyhound at Bendigo on 16 September 2015. He now acknowledges that fact by his guilty plea.

14. We now turn to the issue of penalty. In assessing the appropriate penalty we take into account animal welfare considerations. We also must balance just punishment, specific and general deterrence, denunciation, the presentation of the integrity of greyhound racing and the offender's prospects of rehabilitation. We also take into account the guilty plea on the only live charge, charge 1. Denunciation is particularly relevant in animal welfare matters.

15. We also take into account other penalties in like matters. Given the seriousness of the charge it is our view that a substantial fine should be imposed. In addition, we impose a period of disqualification of 6 months which, in Mr. Formosa's personal circumstances, we suspend fully on the basis that there is no further breach of animal welfare rules contained in the GAR in the next 24 months. The fine we impose is \$5,000. We note that had charges 2 and 3 been pursued and resulted in a finding of guilty a more substantial period of disqualification would have been considered by the Board, given that the effect of pain and suffering to the greyhound would have been considered more acutely.

.....End.....