

Racing Appeals & Disciplinary Board

Media Release

4 May 2017

Racing Appeals & Disciplinary Board

Date of Hearing: Thursday, 4 May 2017
Venue of Hearing: Victorian Commission for Gambling and Liquor Regulation
49 Elizabeth Street, Richmond, Victoria
Panel: Mr. Shane Marshall (Chairman), Mr. David Gleeson and Mr. Phillip Davies
Name of Person Charged: Mr. Bradley Hill
Town: Devon Meadows
Track: N/A
Dates: 17 November 2015 and 2 May 2016
GAR No: LRR 42.1, GAR 106 (1)(a), GAR 106 (1)(c) and GAR 106 (1)(d)

Offences Charged: Charge (1) On 17 November 2015 and 2 May 2016, Animal Welfare Officers with Greyhound Racing Victoria undertook inspections of Mr. Hill's kennels. During these inspections, the Animal Welfare Officers found that a number of greyhounds in his care or custody were in conditions that were detrimental to their health and safety. Specifically, the Animal Welfare Officers found that:

- (a) the rear external yard and the emptying out areas lacked sufficient and/or appropriate shade;
- (b) greyhounds were not provided with appropriate bedding and, in many instances, no bedding at all;
- (c) drainage in the inside kennel area was blocked and did not allow for faeces and urine to dissipate or wash away;
- (d) external rear yards that were housing greyhounds had protruding wires;
- (e) external rear yards that were housing greyhounds had gates which were not working;
- (f) greyhound runs were not appropriately maintained, resulting in greyhounds exercising on uneven ground;
- (g) the emptying out yards had an accumulation of faeces for approximately a seven day period; and
- (h) no parasitic control for worms was present at the property.

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Charge (2) On 17 November 2015 and 2 May 2016, Animal Welfare Officers with Greyhound Racing Victoria undertook inspections of Mr. Hill's kennels. During these inspections, the Animal Welfare Officers found that a number of greyhounds in his care or custody had not been provided with proper and sufficient drink. Specifically, the Animal Welfare Officers found that:

- (a) some greyhounds did not have a supply of fresh clean water, with dirty water being present in containers; and
- (b) one greyhound housed in the racing kennel block did not have access to any water.

Charge (3) On 17 November 2015 and 2 May 2016, Animal Welfare Officers with Greyhound Racing Victoria undertook inspections of Mr. Hill's kennels. During these inspections, the Animal Welfare Officers found that a number of greyhounds in his care or custody had not been provided with kennels constructed and of a standard approved by the Controlling Body which were adequate in size and which were kept in a clean and sanitary condition. Specifically, the Animal Welfare Officers found that:

- (a) brood bitches had been housed in enclosures of 3 square metres, when a minimum of 10 square metres with a minimum dimension of 1.2 metres is required by 3.8 of the Code of Practice for the Operation of Greyhound Establishments (Code of Practice);
- (b) a pregnant bitch had been housed in an enclosure of 3 square metres, when a minimum of 10 square metres with a minimum dimension of 1.2 metres is required by 3.8 of the Code of Practice;
- (c) greyhounds were being kept in kennels with non-compliant fencing, in that the wire mesh exceeded 75mm x 50mm hole sides, contrary to 3.7.6 of the Code of Practice; and
- (d) the internal kennels were in an unhygienic condition, contrary to 3.4 of the Code of Practice; and
- (e) the internal kennels were in an unhygienic condition, contrary to 3.4 of the Code of Practice.

Charge (4) On 17 November 2015, Animal Welfare Officers with Greyhound Racing Victoria undertook inspections of Mr. Hill's kennels. During this inspection, the Animal Welfare Officers observed a greyhound (microchip number 956000004058702) with an injury to its left paw, which required veterinary attention and treatment.

Charge (4) On 2 May 2016, Animal Welfare Officers with Greyhound Racing Victoria undertook inspections of Mr. Hill's kennels. During this inspection, the Animal Welfare Officers

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observed a greyhound (microchip number 956000004370344) with an injury to its rear left hind flank, which required veterinary attention and treatment.

REPORT:

The Stewards of Greyhound Racing Victoria conducted an investigation into the animal welfare issues of Mr. Bradley Hill at his property at Devon Meadows on 17 November 2015 and 2 May 2016.

During the investigation, Stewards received evidence from registered trainer Mr. Bradley Hill, Mr. Russell Colquhoun (GRV – Investigator), Dr. Anthony James (GRV - Veterinary Inspection Officer), Ms. Fiona Currie (GRV – Animal Welfare Compliance Officer) and Mr. Nathan Gascoyne (GRV – Animal Welfare Compliance Officer).

After considering the evidence, Stewards charged Mr. Hill with breaches of Greyhounds Australasia Rules as indicated in charges (1) and (5) above.

Under Rule 47.1 of the Greyhound Racing Victoria Local Rules breaches of LRR 42.1, GAR 106 (1)(a), GAR 106 (1)(c) and GAR 106 (1)(d) constitute Serious Offences. As a result on Thursday, 4 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. Bradley Hill represented himself at the hearing.

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

Mr. Bradley Hill pleaded not guilty to the charges.

DECISION:

1. At all material times, Mr. Bradley Hill was a registered owner and breeder of greyhounds. Stewards of Greyhound Racing Victoria ("GRV") have charged Mr. Hill with several offences concerning the ill-treatment of greyhounds under his control. There are two charges under Greyhound Australasia Rule ("GAR") 106 (1)(d), one charge under GAR 106 (1)(c), one charge under GAR 106 (1)(a) and one charge under Local Racing Rule ("LRR") 42.1. Mr. Hill pleaded not guilty to all charges.
2. Some of the charges relate to a kennel inspection conducted by animal welfare officers employed by GRV at premises occupied by Mr. Hill at Devon Meadows on 17 November 2015. The animal welfare officers observed a black greyhound about six months old which was limping severely and not placing any weight on its left paw. Its microchip number was 956000004058702. For brevity we will call it "the black greyhound". According to the animal welfare officers, the black greyhound had swelling to its left front paw, appeared to be in pain and was showing obvious signs of suffering and discomfort.

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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3. When asked about the injury and how it was being treated, Mr. Hill said the injury was fresh. At the time the dog was in an external kennel with three other greyhounds. Animal welfare officer, Ms. Fiona Currie, directed Mr. Hill to isolate the black greyhound, place it in a kennel and present it to a registered veterinarian for assessment and treatment within 24 hours. He was directed to supply GRV with a copy of the report of the examination. Mr. Hill took the black greyhound to Dr. Michael Bell on that same day.
4. Dr. Bell found "a palpable fracture of P1", which was not involving the joint and had started to calcify. Dr. Bell said there was "thickening of the bone". Dr. Bell placed the black greyhound on medication, including pain relief and ordered kennel confinement for two weeks.
5. Dr. Anthony James, a veterinary officer employed by GRV was requested by GRV to assess the age of the fracture and the level of pain and suffering experienced by the greyhound based on Dr. Bell's report. Dr. James has assessed the fracture to have been six weeks old as at 17 November 2015 based on the thickening of the bone and the calcification described by Dr. Bell. Dr. James gave evidence that he believed the greyhound had experienced pain and suffering up to and including the time of the examination, that is, for a period of about six weeks.
6. When later interviewed about the injury to the black greyhound, Mr. Hill said that he had known about the injury for some time at the time of the kennel inspection. He said the dog had been getting treatment but was unable to say what the treatment was. He claimed the greyhound had been "booked in" to see Dr. Bell at the time of kennel inspection.
7. Arising out of the 17 November 2015 kennel inspection there is a charge under GAR 106 (1) (d) that Mr. Hill failed to ensure that the black greyhound was provided with veterinary attention when necessary. Based on the report of Dr. Bell and the evidence of Dr. James we find that charge proven. Mr. Hill should have sought immediate veterinary attention for the black greyhound when the injury occurred, some six weeks before the kennel inspection.
8. Some of the other charges relate to a kennel inspection conducted at the Devon Meadows premises on 2 May 2016. At this kennel inspection animal welfare officers from GRV observed a black bitch (microchip number 956000004052210). They observed the bitch to have an open wound on the right ribcage area. Mr. Hill said he was aware of the injury and that it was being treated with "purple spray". Purple spray is an animal antibacterial treatment commonly used for first aid on greyhounds. GRV officers did not observe any obvious discolouration in the wound area which

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would normally be associated with the use of the spray. This black bitch was located in the racing kennels.

9. In the external yard, Ms. Currie located another black bitch (microchip number 956000004370344). She was known by the kennel name "Blackie". She had a large injury to her left flank. The injury did not appear to be recent. Mr. Hill denied knowledge of it. Mr. Hill was directed to present Blackie to a registered veterinarian for examination and treatment that day. He took her to Dr. Michael Nicholas of the South Cranbourne Veterinary Surgery. Dr. Nicholas described the injury as 2 to 3cm long over a large pocket and at least a few days old. He told Mr. Hill that minor surgery was required but Mr. Hill elected not to follow the advice and decided to treat the wound as "open". Mr. Hill thereby increased the risk of contamination and infection and lengthened the estimated time for healing to at least two months.
10. Arising out of the 2 May 2016 kennel inspection there is a second charge under GAR 106 (1) (d). The particulars of the charge relate to "Blackie" and the injury to her rear left hind flank which required veterinary attention and treatment. We find that charge proven. Mr. Hill should have been aware of the injury when it occurred and should have been checking on his greyhounds regularly for any sign of injury. He also should have followed Dr. Nicholas' advice regarding the required minor surgery.
11. Apart from the two charges under GAR 106 (1) (d). There are 3 other charges that relate to animal welfare. They arise from the observations of GRV animal welfare officers at the kennel inspections on 17 November 2015 and 2 May 2016.
12. The first of those three charges is under LRR 42.1. LRR 42.1 provides that:-

"It is a serious offence if a person keeps a greyhound in conditions which are dangerous or detrimental to the health and safety of a greyhound".
13. The particulars of the charge make the following allegations based on the evidence of the animal welfare officers:-
 - (a) the rear external yard and the emptying out areas lacked sufficient and/or appropriate shade;
 - (b) greyhounds were not provided with appropriate bedding and, in many instances no bedding at all;
 - (c) drainage in the inside kennel area was blocked and did not allow for faeces and urine to dissipate or wash away;
 - (d) external rear yards that were housing greyhounds had protruding wires;
 - (e) external rear yards that were housing greyhounds had gates which were not working;
 - (f) greyhound runs were not appropriately maintained, resulting in greyhounds exercising on uneven ground;

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- (g) the emptying out yards had an accumulation of faeces for approximately a seven day period; and
- (h) no parasitic control for worms was present at the property.

14. We accept the evidence of the animal welfare officers and find this charge proven.

15. The second of these three charges is under GAR 106 (1)(a) which requires a registered person to ensure that greyhounds in the person's care or custody are provided at all times with proper and sufficient food, drink and protective material. Animal welfare officers observed that some of Mr. Hill's greyhounds did not have a supply of fresh clean water, with dirty water present in containers. They also observed that one greyhound housed in the racing kennel block did not have access to any water. We also find this charge proven.

16. The final of these three charges is one under GAR 106 (1)(c). That rule requires greyhounds to be provided with:-

"Kennels constructed and of a standard approved by the Controlling Body which are adequate in size and which are kept in a clean and sanitary condition".

17. Animal welfare officers allege 5 examples of breach of this rule in the particular of the charge. Each is supported by the evidence of animal welfare officers. They are as follows:-

- (a) brood bitches had been housed in enclosures of 3 square metres, when a minimum of 10 square metres with a minimum dimension of 1.2 metres is required by 3.8 of the Code of Practice for the Operation of Greyhound Establishments (Code of Practice);
- (b) a pregnant bitch had been housed in an enclosure of 3 square metres, when a minimum of 10 square metres with a minimum dimension of 1.2 metres is required by 3.8 of the Code of Practice;
- (c) greyhounds were being kept in kennels with non-compliant fencing, in that the wire mesh exceeded 75mm x 50mm hole sides, contrary to 3.7.6 of the Code of Practice; and
- (d) the internal kennels were in an unhygienic condition, contrary to 3.4 of the Code of Practice; and
- (e) the internal kennels were in an unhygienic condition, contrary to 3.4 of the Code of Practice.

18. We find this charge proven based on the evidence of the animal welfare officers which establishes the validity of the particulars of the charge.

19. In setting penalties we take into account specific and general deterrence, the good name of the industry, animal welfare issues and penalties given in like cases. We also take into account the concept of denunciation.

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20. The charges against Mr. Hill are all serious ones and strike at the good name of the industry and have enormous relevance for animal welfare. On each of the two charges under GAR 106 (1)(d) we fine Mr. Hill the sum of \$1,000. On the charge under LRR 42.1 concerning the keeping of greyhounds in dangerous conditions or conditions detrimental to their health we disqualify Mr. Hill for a period of 6 months. On the charge under GAR 106 (1)(a) concerning the condition of and access to water we fine Mr. Hill \$500. On the charge under GAR 106 (1)(c) concerning the condition of the kennels we fine Mr. Hill \$200. The total penalty is a period of disqualification of 6 months and fines totaling \$2,700. The period of disqualification shall commence immediately.

21. In arriving at the above penalties we have taken into account Mr. Hill's lack of remorse as shown by his not guilty pleas.

.....End.....