

Racing Appeals & Disciplinary Board

Media Release

11 May 2017

Racing Appeals & Disciplinary Board

Date of Hearing: Thursday, 11 May 2017
Venue of Hearing: Victorian Commission for Gambling and Liquor Regulation
49 Elizabeth Street, Richmond, Victoria
Panel: Mr. Shane Marshall (Chairman), Ms. Gail Owen (Deputy Chairman)
and Mr. Phillip Davies
Name of Person Charged: Mr. George Arvanitis
Town: Nyora
Track: N/A
Date: 7 June 2016
GAR No: LRR 42.1 and GAR 106 (2)

Offences Charged: Charge (1) Mr. Arvanitis' overly restrictive application of barking muzzles on greyhounds at his property which was discovered by Animal Welfare Authorised Officers at a kennel inspection on 7 June 2016 were conditions which were dangerous and detrimental to the health and safety of the greyhounds.

Charge (2) Mr. Arvanitis' restrictive application of barking muzzles on greyhounds at his property which was discovered by Animal Welfare Authorised Officers at a kennel inspection on 7 June 2016 which indicated he did not exercise reasonable care and supervision to prevent greyhounds pursuant to his care and custody from unnecessary pain and suffering.

REPORT:

The Stewards of Greyhound Racing Victoria conducted an investigation into the animal welfare issues of Mr. George Arvanitis at his property at Nyora on 7 June 2016.

During the investigation, Stewards received evidence from registered trainer Mr. George Arvanitis, Mr. Greg Huntington (GRV – Investigations Manager), Dr. Anthony James (GRV - Veterinary Inspection Officer), Ms. Fiona Currie (GRV – Animal Welfare Compliance Officer), Mr. Nathan Gascoyne (GRV – Animal Welfare Compliance Officer) and Mr. Paul Mitchell (GRV – Investigations Officer).

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

Under Rule 47.1 of the Greyhound Racing Victoria Local Rules breaches of LRR 42.1 and GAR 106 (2)(a) constitute Serious Offences. As a result on Thursday, 11 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. George Arvanitis represented himself at the hearing.

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

Mr. George Arvanitis pleaded not guilty to the charges.

DECISION:

1. Mr. George Arvanitis is a registered trainer of greyhounds. He operates from kennels at Nyora. On 7 June 2016, animal welfare officers employed by ("GRV") conducted a kennel inspection at the Nyora premises.
2. As a result of the kennel inspection Stewards of GRV have laid two charges against Mr. Arvanitis. The first charge is under Local Rule ("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".
3. Stewards allege that overly constrictive application of barking muzzles caused greyhounds on Mr. Arvanitis' property to suffer from conditions that were dangerous and detrimental to the health and safety of the greyhounds.
4. There is a second charge laid under Greyhound Australasia Rule ("GAR") 106 (2). That rule 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 or custody from being subject to unnecessary pain and suffering".
5. Stewards allege that the overly constrictive barking muzzles application caused greyhounds in Mr. Arvanitis' care and custody to be subjected to unnecessary pain and suffering.

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THE EVIDENCE:

6. On 7 June 2016, animal welfare officers Mr. Nathan Gascoyne and Ms. Fiona Currie conducted a kennel audit at the Nyora premises. Mr. Gascoyne performed the lead role while Ms. Currie assisted him and took photographs. The animal welfare officers observed "severe muzzle scarring" on the majority of the 18 greyhounds they inspected. To the animal welfare officers this would have resulted from "inappropriate muzzling usually for prolonged periods of time with no supervision". Mr. Arvanitis told the animal welfare officers that he uses barking muzzles on some of his greyhounds at night. Mr. Arvanitis demonstrated how he places barking muzzles by placing one on a black bitch. Mr. Gascoyne observed that muzzle scarring on that greyhound matched the placement of the muzzle on the black bitch.
7. Later on, the animal welfare officers inspected an external kennel area and noticed another black bitch. They pulled her out of her pen for closer inspection. They observed severe muzzle scarring on the greyhound. In his witness statement Mr. Gascoyne said:-

"The greyhound had almost no hair left on the top of its muzzle. Under the muzzle were obvious signs of recent barking muzzle use, there was chaffing and blood over the wound and ether saliva coating those sores or liquid mucus caused by the wounds. The constant chaffing and reapplying of the barking muzzle in my opinion would not only never allow the wounds to heal but cause a greyhound constant pain and suffering". Mr. Gascoyne further considered that there would never be any relief from the pain as the barking muzzle would be reapplied each night.
8. The animal welfare officers inspected each greyhound on the property and took photographs of them. Some greyhounds had severe muzzle scarring, whilst one had signs of bleeding and scabbing. Others had moderate or minor muzzle scarring.
9. Mr. Gascoyne ordered Mr. and Mrs. Arvanitis not to muzzle their greyhounds any longer and placed that restriction on their training licences. Before leaving the property the animal welfare officers asked Mr. and Mrs. Arvanitis to provide first aid to the injured greyhounds.
10. On a follow up visit to the premises on 21 June 2016, the animal welfare officers saw no recent signs of barking muzzles. The animal welfare officers learned that Mr. Arvanitis had euthanised four of the greyhounds shortly after the 7 June 2016 inspection.

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11. Ms. Currie has provided a statement in which she states it is her opinion that Mr. and Mrs. Arvanitis have intentionally inflicted a level of pain and suffering to all greyhounds housed on the property through deliberate and excessive use of barking muzzles for extensive periods of time without supervision. Ms. Currie described the treatment of the greyhounds, when combined with the conditions of their kennels as "torture". This included being locked up in small kennels with limited access to water.
12. Dr. Anthony James is a Veterinary Inspection Officer employed by GRV. He examined various photographs of greyhounds taken by Ms. Currie at the kennel inspection on 7 June 2016. Dr. James referred to 13 greyhounds which had experienced various degrees of trauma as a result of the application of barking muzzles. This included hair loss, chronic skin irritation and trauma to the nose. In Dr. James' opinion the lesions evident in the photographs were caused by the use of "excessively tight and overly restrictive barking muzzles for 10.5 hours per day". Dr. James observed that the application of those muzzles would restrict access of the greyhounds to water and limit the ability of the greyhounds to "thermo regulate via the physiological process associated with panting". In addition the risk of "aspiration pneumonia" would be enhanced. Dr. James considered that the overly restrictive muzzles caused trauma to the nose and jaw of affected greyhounds and prevented them from opening their mouths for 10.5 hours per day.
13. In Dr. James' professional opinion, the prolonged use of overly restrictive barking muzzles resulted in greyhounds being kept in conditions that were dangerous and detrimental to their health and would have caused unnecessary pain and suffering to affected greyhounds.

FINDINGS:

14. The above evidence discloses that the overly restrictive barking muzzles did cause greyhounds at Mr. Arvanitis' property to suffer from conditions which were dangerous and injurious to their health. This included severe to moderate muzzle scarring, trauma to the nose and jaw, lack of access to water for prolonged periods and other conditions described by Dr. James. The alleged breach of LRR 42.1 has been made out.
15. Based on the expert opinion of Dr. James and the observations of the animal welfare officers the overly restrictive barking muzzles which produced the above effects would have caused unnecessary pain and suffering to the greyhounds concerned. The alleged breach of GAR 106 (2) has been made out.

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APPROPRIATE PENALTIES:

16. In setting the penalties in this matter we take into account animal welfare considerations, the good name of the industry, specific and general deterrence, denunciation and the offender’s prospects of rehabilitation. This case reveals serious breaches of rules designed to protect the welfare of greyhounds. It calls for a period of disqualification. A trainer who keeps greyhounds in such conditions must receive punishment which reflects the seriousness of such an act. Taking into account all the matters referred to above, together with Mr. Arvanitis’ change of practice after the 7 June 2016 kennel inspection we consider the appropriate penalty on the charge under LRR 42.1 is six months disqualification and on the more serious charge under GAR106 (2), twelve months disqualification. Each period shall be served concurrently and shall commence immediately.

17. The penalties in this matter would have been higher but for the fact that Mr. Arvanitis has changed his ways and no longer places overly restrictive barking muzzles on his greyhounds. We have also taken into account character references submitted by Mr. Arvanitis. In setting the above penalties we have also taken into account Mr. Arvanitis’ pleas of not guilty as indicative of a lack of remorse.

.....End.....