

1 May 2023

DECISION

GREYHOUND RACING VICTORIA

and

DAVID GEHAN

- Date of hearing:** 18 April 2023
- Panel:** Magistrate John Doherty (Deputy Chairperson) and Judge Marilyn Harbison.
- Appearances:** Mr Steven Brnovic, instructed by Ms Yana Podolskaya, appeared on behalf of the Stewards.
Mr David Gehan represented himself.
- Charge:** Greyhounds Australasia Rule (“GAR”) 86(o) states:
A person (including an official) shall be guilty of an offence if the person –
(o) Has, in relation to a greyhound or greyhound racing, done a thing, or omitted to do a thing, which, in the opinion of the Stewards or the Controlling Body, as the case may be, is negligent, dishonest, corrupt, fraudulent or improper, or constitutes misconduct.
- Particulars of charge:**
1. You were, at all relevant times, a public trainer/breeder registered with Greyhound Racing Victoria (GRV) (Member No. 38239) and a person bound by the Greyhounds Australasia Rules and Local Racing Rules.
 2. On 12 November 2021, you attended the registered kennel address of registered person Jeanette Spruyt (41070).
 3. Spruyt permitted you to inject greyhound “Park Behind” (Ear Brand: VIKCT), a greyhound in the care of Spruyt, with iron as both of you thought that the greyhound was lacking in iron.

4. You injected Park Behind with 1ml from an expired bottle of “Feron 200 + B12” into the back of its thigh.

5. According to the conditions of the Establishment Health Management Plan (EHMP) put in place by Spruyt at her registered kennel address, you were not an approved person to administer injectable supplements.

6. On 13 November 2021, GRV were notified of the death of Park Behind by Spruyt.

7. Subsequent veterinary advice from Dr Anthony (Tony) James of Wimmera Mallee Vet Services, who performed a partial autopsy on the deceased greyhound, indicated that the cause of death of this greyhound was probably due to toxæmia because of either an infectious agent introduced into the leg with the injection or the cytotoxic effects of the injected iron complex.

8. By injecting Park Behind, a greyhound not in your care, with expired Feron 200 + B12 at the registered kennel address of Spruyt when not an approved person to administer injectable supplements under the conditions of the EHMP at that address, which may have caused the death of this greyhound the day after being injected, you have done a thing, which in the opinion of the Stewards, constitutes misconduct.

9. By reason of Greyhounds Australasia Rule 2 (as currently in force), the rescinding or variation of the Old Rules and commencement of the New Rules does not:

a. affect the previous operation of the Old Rules (including Rule 86 (o)),

b. affect any obligation or liability imposed, created or incurred prior to the rescission or variation of the Old Rules (including by virtue of 86 (o)); or

c. affect any penalty incurred, or liable to be incurred, in respect of any offence committed pursuant to the Old Rules (including a breach of Rule 86 (o)).

Plea: Guilty

DECISION

Mr David Gehan, aged 74 years, has had a long association with greyhound racing, being registered as an owner/trainer from 31 July 1975. He lives alone, receiving a benefit from the aged pension as his only source of income. He currently has only one greyhound, which he is seeking to re-home through Greyhound Racing Victoria's ("GRVs") Greyhound Adoption Program ("GAP"). He has pleaded guilty to this one offence. Otherwise, his activity record in the industry is excellent.

Mr Gehan no longer wishes to participate in the industry and is disposing any possessions that relate to the greyhound racing industry.

Mr Gehan realises the importance of promoting and protecting animal welfare and that, by his actions, he may have caused the death of a greyhound. His conduct is worthy of denunciation.

In all the circumstances, we fix a penalty of three months disqualification of his licence to commence immediately.

Kathleen Scully
Acting Registrar, Victorian Racing Tribunal