

19 September 2023

DECISION

GREYHOUND RACING VICTORIA

and

HUBERTUS WETZELS

- Date of hearing:** 13 September 2023
- Panel:** Justice Shane Marshall (Deputy Chairperson) and Ms Heidi Keighran.
- Appearances:** Mr Anthony Pearce appeared on behalf of the Stewards.
Mr Hubertus Wetzels represented himself.
- Charges:** Local Racing Rule (“LR”) 14.3.1 states:
Where a greyhound has died (whether due to natural causes, accident, misadventure, euthanasia or otherwise) within 2 working days of the date of death (and prior to disposal of the body of the deceased greyhound), the Owner or person responsible for the greyhound must notify the Controlling Body in the prescribed form of the death of the greyhound and provide a veterinary certificate of euthanasia where available (including, without limitation, the written certificate or letter referred to in LR 14.2.3).
- LR 14.3.3 states:
The body of the deceased greyhound must be disposed of:
14.3.3.1. via a veterinary clinic;
14.3.3.2. via an animal cremation service approved by the Environmental Protection Authority; or
14.3.3.3. by an alternate method of disposal approved by the Controlling Body on such conditions as they see fit.
- LR 42.9(a) states:
Where a greyhound has died (whether due to natural causes, accident, misadventure, euthanasia or otherwise):

(a) within 2 working days of the date of death (and prior to the disposal of the body of the deceased greyhound), the Owner or person responsible for the greyhound must notify the Board in the prescribed form of the death of the greyhound and provide a veterinary certificate of euthanasia where available (including, without limitation, the written certificate or letter referred to in LR 42.8).

LR 42.9(c) states:

Where a greyhound has died (whether due to natural causes, accident, misadventure, euthanasia or otherwise):

(c) the body of the deceased greyhound must be disposed of:

(i) via a veterinary clinic;

(ii) via an animal cremation service approved by the Environmental Protection Authority; or

(iii) by an alternate method of disposal approved by the Board, the Stewards or an authorised officer on such conditions as they see fit.

Particulars of charges:

Charge 1: LR 14.3.1

1. You were, at all relevant times, a trainer registered with Greyhound Racing Victoria (GRV) (Member No. 61850) and a person bound by the Greyhounds Australasia Rules and Local Racing Rules.
2. From October 2015, you were the owner of, and had the care of, greyhound "Henry Danger" (VCUOE).
3. In approximately May 2022, this greyhound was found deceased in your kennels.
4. You failed to notify the Board within 2 working days of the death of Henry Danger in the prescribed form.

Charge 2: 14.3.3

1. You were, at all relevant times, a trainer registered with Greyhound Racing Victoria (GRV) (Member No. 61850) and a person bound by the Greyhounds Australasia Rules and Local Racing Rules.

2. You have failed to dispose of the body of a deceased greyhound in the required manner, in that;
 - (a) From October 2015, you were the owner of, and had the care of, the greyhound “Henry Danger” (VCUOE);
 - (b) In approximately May 2022 Henry Danger was found deceased in your kennels;
 - (c) You have subsequently, without approval, buried Henry Danger on your property.

Charge 3: LR 14.3.1

1. You were, at all relevant times, a trainer registered with Greyhound Racing Victoria (GRV) (Member No. 61850) and a person bound by the Greyhounds Australasia Rules and Local Racing Rules.
2. From August 2015, you were the owner of, and had the care of, greyhound “Catweasel” (VCUOJ).
3. In approximately December 2022, this greyhound was found deceased in your kennels.
4. You failed to notify the Board within 2 working days of the death of Catweasel (VCUOJ).

Charge 4: LR 14.3.3

1. You were, at all relevant times, a trainer registered with Greyhound Racing Victoria (GRV) (Member No. 61850) and a person bound by the Greyhounds Australasia Rules and Local Racing Rules.
2. You have failed to dispose of the body of a deceased greyhound in the required manner, in that;
 - (a) From August 2015, you were the owner of, and had the care of, the greyhound “Catweasel” (VCUOJ);
 - (b) In approximately December 2022 Catweasel was found deceased in your kennels;

- (c) You have subsequently, without approval, buried Catweasel on your property.

Charge 5: LR 42.9(a)

1. You were, at all relevant times, a trainer registered with Greyhound Racing Victoria (GRV) (Member No. 61850) and a person bound by the Greyhounds Australasia Rules and Local Racing Rules.
2. From November 2018, you were the owner of, and had the care of, greyhound "Fishmonger" (VGCPX).
3. In approximately February 2021, this greyhound was found deceased in your kennels.
4. You failed to notify the Board within 2 working days of the death of Fishmonger (VGCPX).

Charge 6: LR 42.9(c)

1. You were, at all relevant times, a trainer registered with Greyhound Racing Victoria (GRV) (Member No. 61850) and a person bound by the Greyhounds Australasia Rules and Local Racing Rules.
2. You have failed to dispose of the body of a deceased greyhound in the required manner, in that;
 - (a) From November 2018, you were the owner of, and had the care of, the greyhound "Fishmonger" (VGCPX);
 - (b) In approximately February 2021 Fishmonger was found deceased in your kennels;
 - (c) You have subsequently, without approval, buried Fishmonger on your property.

Charge 7: LR 42.9(a)

1. You were, at all relevant times, a trainer registered with Greyhound Racing Victoria (GRV) (Member No. 61850) and a person bound by the Greyhounds Australasia Rules and Local Racing Rules.

2. From December 2010, you were the owner of, and had the care of, greyhound "Solfurion" (VDM 2402).
3. Sometime in 2018 this greyhound was found deceased in your kennels.
4. You failed to notify the Board within 2 working days of the death of Solfurion (VDM 2402).

Charge 8: LR 42.9(c)

1. You were, at all relevant times, a trainer registered with Greyhound Racing Victoria (GRV) (Member No. 61850) and a person bound by the Greyhounds Australasia Rules and Local Racing Rules.
2. You have failed to dispose of the body of a deceased greyhound in the required manner, in that;
 - (a) From December 2010, you were the owner of, and had the care of, the greyhound "Solfurion" (VDM 2402);
 - (b) Sometime in 2018 Solfurion was found deceased in your kennels;
 - (c) You have subsequently, without approval, buried Solfurion on your property.

Charge 9: LR 42.9(a)

1. You were, at all relevant times, a trainer registered with Greyhound Racing Victoria (GRV) (Member No. 61850) and a person bound by the Greyhounds Australasia Rules and Local Racing Rules.
2. From December 2010, you were the owner of, and had the care of, greyhound "Horrify" (VDM 2406).
3. Sometime in 2017 this greyhound was found deceased in your kennels.
4. You failed to notify the Board within 2 working days of the death of Horrify (VDM 2406).

Charge 10: LR 42.9(c)

1. You were, at all relevant times, a trainer registered with Greyhound Racing Victoria (GRV) (Member No. 61850) and a person bound by the Greyhounds Australasia Rules and Local Racing Rules.
2. You have failed to dispose of the body of a deceased greyhound in the required manner, in that;
 - (a) From December 2010, you were the owner of, and had the care of, the greyhound "Horrihy" (VDM 2406);
 - (b) Sometime in 2017 Horrihy was found deceased in your kennels;
 - (c) You have subsequently, without approval, buried Horrihy on your property.

Pleas: Guilty to all charges

DECISION

1. Mr Hubertus Wetzels is a registered greyhound owner, breeder and trainer. He has been charged by Stewards of Greyhound Racing Victoria ("GRV") with 10 offences. They relate to five different greyhounds and concern Local Racing Rule ("LR") 14.3.1 and 14.3.3 respectively in relation to two greyhounds and under predecessor Rules LR 42.9(a) and 42.9(c) regarding three greyhounds. The relevant Rules concern the obligation to notify GRV within two working days of the death of a greyhound and the obligation to dispose of a deceased greyhound in a manner approved by GRV.
2. Between 2017 and December 2022, Mr Wetzels failed to advise GRV on five separate occasions in respect of five retired greyhounds of the fact of their deaths within two working days. He also failed to dispose of them in a manner approved by GRV.
3. Mr Wetzels was not aware that those obligations related to retired greyhounds. However, ignorance of the effect of the Rules is not an excuse for non compliance. Mr Wetzels said that he made efforts to discuss his responsibilities concerning deceased retired greyhounds with GRV but faced challenges in effectively conveying this information to them. Mr Wetzels has pleaded guilty to each charge.

4. Charges 1 and 2 concern the greyhound “Henry Danger” which was found deceased in Mr Wetzel’s kennels in May 2022. The greyhound’s death was not notified to GRV within two working days and Henry Danger was buried on Mr Wetzel’s property without the permission of GRV. The same facts essentially apply to the other charges with the following variations:
 - Charges 3 and 4 concern “Catweasel”. The greyhound was found deceased on or about December 2022.
 - Charges 5 and 6 concern “Fishmonger”. That greyhound was found deceased on or about February 2021.
 - Charges 7 and 8 concern “Solfurion” which was found deceased in 2018.
 - Charges 9 and 10 concern “Horrihy” which was found deceased in 2017.
5. The forementioned greyhounds were owned by Mr Wetzel’s at the time of their deaths.
6. Mr Wetzel’s has been associated with greyhound racing for a long time. Since 1994 he has been a registered public trainer and prior to that was involved in the industry as an owner going back to 1985. He currently trains about 18 greyhounds and owns about 10 greyhounds. He has a good record with only four transgressions against the Rules of greyhound racing and none relevant to this offending. He has shown remorse for this offending.
7. In setting a penalty, we take into account general deterrence, recent penalties in like matters and preservation of the good name of the industry as well as the guilty pleas and the fact that the offending was not deliberately done. As the Tribunal stated in the matter of *GRV v Tim Hore* (11 April 2022), the notification of deaths of greyhounds enables Stewards to be kept informed about greyhound movements and wellbeing.
8. Having regard to the foregoing, we impose the following penalties. We treat Charges 1 and 2 as the “head sentence”. The penalties for the other charges will be made concurrent with the penalties under the first two charges as they all arose out of the same course of conduct.
9. On Charge 1, we impose a penalty of three months suspension, wholly suspended for a period of 24 months and a \$500 fine. On Charge 2, we impose the same penalty as Charge 1 but make it cumulative upon the penalty imposed on Charge 1.

10. Charges 3 to 10 inclusive will incur a penalty of three months suspension, wholly suspended for a period of 24 months and a \$500 fine but those penalties will be concurrent with the penalties imposed under Charges 1 and 2.
 11. The total effective penalty is a six month suspension, wholly suspended for 24 months and a \$1,000 fine.
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Kathleen Scully
Assistant Registrar, Victorian Racing Tribunal