

29 August 2023

## DECISION

### GREYHOUND RACING VICTORIA

and

### JOHN GALEA

- Date of hearing:** 23 August 2023
- Panel:** Judge John Bowman (Chairperson) and Mr Robert Abrahams.
- Appearances:** Mr Anthony Pearce appeared on behalf of the Stewards.  
Mr John Galea represented himself.
- Charges:** Greyhounds Australasia Rule (“GAR”) 34(5)(a) states:  
(5)(a) A registered person must as soon as possible notify a Controlling Body that a greyhound has come into, or left, the person’s care or custody (and in each of those cases including as a result of a greyhound having its ownership transferred).
- GAR 156(h) states:  
An offence is committed if a person (including an official):  
(i) prevents, attempts to prevent, interferes with or attempts to interfere with the carrying out of any identification, examination, test, necropsy, analysis, inquiry, investigation or inspection (including a kennel inspection) pursuant to the Rules.
- GAR 164(b) states:  
An offence is committed if a person (including an official):  
(b) refuses or fails to attend or to give evidence at an inquiry (or at any other disciplinary process, hearing or appeal proceeding) or produce a document or other thing in relation to an investigation, examination, test or inquiry (or other disciplinary process, hearing or appeal proceeding) pursuant to the Rules when directed by a Controlling Body, the Stewards, or another authorised person.

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).

**Particulars of charges:**

**Charge 1: GAR 34(5)(a)**

1. You were, at all relevant times, a trainer registered with Greyhound Racing Victoria (GRV) (Member No. 2000) and a person bound by the Greyhounds Australasia Rules and Local Racing Rules.
2. You failed to notify GRV (the Controlling Body) as soon as possible that a greyhound had left your care or custody, in that;
  - (a) At all relevant times you were the owner of the greyhound "Sisco Ride" (VFBPE);
  - (b) On 2 November 2022, Investigative Stewards conducted a kennel inspection at your registered property in Avalon, Victoria;
  - (c) During the kennel inspection it was identified that Sisco Ride was not in your care or custody;
  - (d) At no time had you notified GRV that Sisco Ride had left your care or custody.

**Charge 2: GAR 34(5)(a)**

1. You were, at all relevant times, a trainer registered with Greyhound Racing Victoria (GRV) (Member No. 2000) and a person bound by the Greyhounds Australasia Rules and Local Racing Rules.

2. You failed to notify GRV (the Controlling Body) as soon as possible that a greyhound had left your care or custody, in that;
  - (a) At all relevant times you were the owner of the greyhound "Sisco Dun" (VFBPD);
  - (b) On 2 November 2022, Investigative Stewards conducted a kennel inspection at your registered property at in Avalon, Victoria;
  - (c) During the kennel inspection it was identified that Sisco Dun was not in your care or custody;
  - (d) At no time had you notified GRV that Sisco Dun had left your care or custody.

**Charge 3: LR 14.3.1**

1. You were, at all relevant times, a trainer registered with Greyhound Racing Victoria (GRV) (Member No. 2000) and a person bound by the Greyhounds Australasia Rules and Local Racing Rules.
2. From 19 September 2014, you were the owner of, and had the care of, greyhound "Sisco Rage" (VBYGD).
3. On 15 March 2023, you informed Investigative Stewards that Sisco Rage had been euthanised "about two weeks ago".
4. You have failed to notify Greyhound Racing Victoria (GRV) of the death of the greyhound Sisco Rage within two working days and have not provided the relevant veterinary certificate of euthanasia.

**Charge 4: GAR 156(h)**

1. You were, at all relevant times, a trainer registered with Greyhound Racing Victoria (GRV) (Member No. 2000) and a person bound by the Greyhounds Australasia Rules and Local Racing Rules.

2. On 15 March 2023, Investigative Stewards issued you with a GRIU Directions Notice (Lawful Direction) advising you to be present on 22 March 2023 at your registered property in Avalon, Victoria to enable GRV Investigative Stewards to conduct a kennel inspection.
3. On 22 March 2023, Investigative Stewards attended your registered kennel address, whereby you have refused them entry and therefore preventing the carrying out of the kennel inspection.

**Charge 5: GAR 164(b)**

1. You were, at all relevant times, a trainer registered with Greyhound Racing Victoria (GRV) (Member No. 2000) and a person bound by the Greyhounds Australasia Rules and Local Racing Rules.
2. On 12 April 2023, Investigative Stewards issued you with a GRIU Notice of Inquiry (Lawful Order) requiring you to attend an Inquiry with GRV Investigative Stewards on 20 April 2023 at 10.30 am at the Geelong Greyhound Racing Club.
3. On 18 April 2023, you acknowledged receiving that Notice of Inquiry during a phone call with Investigative Stewards and advised you would not be attending.
4. You failed to attend the inquiry on 20 April 2023.

**Pleas:** Not Guilty to all charges

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**DECISION**

Mr John Galea has pleaded Not Guilty to five charges.

Charges 1 and 2 relate to breaches of Greyhounds Australasia Rule (“GAR”) 34(5)(a) – failure to notify Greyhound Racing Victoria (“GRV”) that a dog had left his care and custody. Charge 3 is a breach of Local Racing Rule (“LR”) 14.3.1 – failure to notify GRV of the death of a dog. As stated by Mr Anthony Pearce, on behalf of the Stewards, these charges are of less gravity than Charges 4 and 5.

Charge 4 is a breach of GAR 156(h) – preventing the Stewards from carrying out a property inspection on 22 March 2023.

Charge 5 is a breach of GAR 164(b) – failing to attend an inquiry to be held on 20 April 2023, a Notice in this regard having been issued on 12 April 2023. There is no argument but that Mr Galea had been notified of the inquiry and had stated in advance that he would not be attending.

A couple of matters should be pointed out at the outset. Mr Galea is 80 years of age. He has been a licensed trainer since at least 1986. He represented himself. The process was explained to him in some detail and, hopefully, with some patience. Whether he was actually admitting the facts in some of the charges was not always clear.

What is clear is that Mr Galea has no interest in continuing to train, race or breed greyhounds and has not been actively involved for some time. His current licence will expire in approximately six weeks and he has no intention of applying to renew it. Indeed, he has already started dismantling and removing kennels. He has attempted to hand in his licence, but the Stewards would not accept the cancellation of his licence prior to the Tribunal hearing of this case. The reasoning behind this is not entirely clear, but it is unquestionably the situation.

It is against this background that the hearing proceeded and we thank Mr Pearce for the manner in which he conducted the Stewards' case, as at times some patience was required.

Mr Galea was anxious that the matter be concluded and determined without any delay and on the day of the hearing, namely 23 August 2023. Indeed, he virtually insisted upon it. Accordingly, and after some consideration, we handed down our findings and penalties on that day, with these more detailed reasons to follow.

As stated on that day, we find each of the charges proven.

In relation to Charges 1 and 2, we are quite satisfied that each of the dogs involved had retired from racing. Each was given to new owners. There is no suggestion that any cruelty or lack of care for the dogs' welfare was involved. Mr Galea simply did not inform GRV, as he was required to do.

A similar lack of compliance occurred with Charge 3. We accept that the dog that was euthanised was old, virtually a family pet, but with real health problems. The dog was euthanised by a veterinary surgeon. All of this was in order, but again there was a failure to inform GRV as required.

The Rules requiring notification to GRV concerning the movement of greyhounds and their well-being are of particular importance and there should always be compliance with them. They play an important role in assuring the public that GRV is vigilant in relation to the vitally important issue of animal welfare, as well as enabling the Stewards to keep check on the location of greyhounds.

On each of Charges 1, 2 and 3, Mr Galea is suspended for a period of three months. However, given the circumstances, each such suspension is in turn suspended for a period of 24 months. We accept that no welfare issues are involved in relation to these three dogs, but again stress the importance of keeping GRV notified of matters such as this as required.

As stated, we take a more serious view of Charges 4 and 5.

In relation to Charge 4, on 22 March 2023, the Stewards arrived at the property and kennels of Mr Galea. Notice had been given to him on 15 March of their intended visit on 22 March for a kennel inspection. The gate was locked. Mr Galea was present and was aware of the arrival of the Stewards. He refused them entry. Effectively he does not deny this.

This is unacceptable behaviour and warrants disqualification. The Stewards have a multitude of duties to perform. They are busy people. Supervision of the reputation of the industry effectively rests in their hands. Mr Galea knew that the Stewards were making the trip to visit him on 22 March 2023. On that day, he knew they had arrived. He locked them out and refused them entry.

As stated, a period of disqualification is warranted. We fix that period at 12 months, commencing on the day of our handing down the penalty, namely 23 August 2023.

A period of disqualification is also warranted in relation to Charge 5, as we stated on 23 August. We take into account Mr Galea's age, record and alleged state of health as at the day of the inquiry, namely 20 April 2023. We also note that he had informed the Stewards two days before the inquiry that he would not be attending.

The observations made in relation to Charge 4 are again relevant. The Stewards have many better things to do than arrange inquiries involving trainers who do not attend. At least he told them in advance that he would not be attending. Nevertheless, the Stewards had to make themselves available in case he had a change of mind.

We again fix the period of disqualification at 12 months, but make that period of disqualification concurrent with the penalty imposed on Charge 4.

As we stated on 23 August, the bottom line is that on each of Charges 1, 2 and 3, Mr Galea is suspended for a period of three months from that day, but each period of suspension is in turn suspended for 24 months. Each will be activated in the unlikely event of similar offences occurring during that period.

On Charge 4, Mr Galea is disqualified for a period of 12 months commencing on 23 August 2023.

On Charge 5, Mr Galea is disqualified for a period of 12 months commencing on 23 August 2023, such penalty being concurrent with the penalty imposed on Charge 4.

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Kathleen Scully  
Assistant Registrar, Victorian Racing Tribunal