

4 April 2023

DECISION

GREYHOUND RACING VICTORIA

and

JOHN LINDREA

- Date of hearing:** 6 February 2023
- Panel:** Judge John Bowman (Chairperson) and Dr Andrew Gould.
- Appearances:** Mr Anthony Pearce appeared on behalf of the Stewards.
Mr John Lindrea represented himself.
- Charges:** Local Racing Rule (“LR”) 42.1 states:
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.
- LR 42.2 states:
A person shall not in the keeping of any greyhound cause or permit that greyhound to suffer in any manner on any premises owned or occupied by that person or permit any nuisance or other condition that is likely to be dangerous to the health or safety of that greyhound or which is otherwise offensive.
- LR 42.6(i)(i) states:
(i) An Owner must:
(i) keep detailed records of their compliance with LR 42.6.
- Greyhounds Australasia Rule (“GAR”) 106(1)(a) states:
(1) A person must ensure that any greyhound in the person's care or custody, is at all times provided with:
(a) proper and sufficient food, drink and protective apparel
- GAR 106(1)(c) states:
(1) A registered person must ensure that greyhounds, which are in the person's care or custody, are provided at all times with-

(c) 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.

GAR 86(q) states:

A person (including an official) shall be guilty of an offence if the person-

(q) commits or omits to do any act or engages in conduct which is in any way detrimental or prejudicial to the interest, welfare, image, control or promotion of greyhound racing.

GAR 83(2) states:

(2) The owner, trainer or person in charge of a greyhound-

(a) nominated to compete in an Event;

(b) presented for a satisfactory, weight or whelping trial or such other trial as provided for pursuant to these Rules; or

(c) presented for any test or examination for the purpose of a period of incapacitation or prohibition being varied or revoked shall present the greyhound free of any prohibited substance.

GAR 21(1)(c) states:

(1) A person must ensure that any greyhound in the person's care or custody, is at all times provided with:

(c) kennels constructed and of a standard approved by a Controlling Body which are adequate in size and which are kept in a clean and sanitary condition.

GAR 21(3) states:

(3) A person shall not cause or permit, on any premises owned or occupied by that person, any condition that is likely to be dangerous to the health, welfare or safety of that greyhound.

GAR 105(4)(i) states:

(4)(i) A registered person shall within 3 working days of a greyhound coming pursuant to or leaving the person's care or custody, give notice to the Controlling Body of that occurrence.

Particulars of charges: BRIEF 1

Charge 1: LR 42.1

1. You were, at all relevant times, a trainer registered with Greyhound Racing Victoria (GRV) (Member No. 154660) and a person bound by the Greyhounds Australasia Rules and Local Racing Rules.
2. You kept greyhounds in conditions that were dangerous and detrimental to their health and safety in that:
 - a. During an inspection conducted at your registered kennelling premises (registered premises), it was found that greyhounds were kept at the registered premises in conditions that were dangerous or detrimental to their health and welfare, in that greyhounds were:
 - i. subjected to poor husbandry practices;
 - ii. given insufficient clean water and water that was discoloured or had or algae present in their water containers;
 - iii. subjected to unclean and unsanitary conditions in that there was an unreasonable accumulation of faecal matter and urine;
 - iv. provided with wet and dirty bedding from faeces and urine;
 - v. kept in a yard with a surrounding fence that had loose and protruding sharp wire and wood which was a danger to the greyhounds
 - b. On 8 December 2021, greyhounds – “Wild Junction” (VHFRH); “Invictus Zeek” (VHHPH); “Nitroglycerine” (NICSH); and VHYPZ were wearing anti-barking muzzles for an extended period.
3. At the time of the relevant conduct described, it was an offence under Local Racing Rule 42.1 (as then in force) to engage in the conduct described in particular 2.

4. By reason of Local Racing Rule 1 (as currently in force), the rescinding or variation of the previous rules and commencement of the Local Rules does not:
 - a. affect the previous operation of the previous rules or anything duly done under those previous rules (including Rule 42.1);
 - b. affect any penalty, suspension, disqualification, warning off, punishment or declaration of defaulter incurred in respect of any matter under those previous rules (including a breach of Rule 42.1);
 - c. affect any Inquiry or other disciplinary process, legal proceeding or remedy in respect of any registered person or club, right, privilege, obligation, liability, penalty, suspension, disqualification, warning off, punishment or declaration of defaulter (including by virtue of Rule 42.1);
 - d. any such Inquiry or other disciplinary process, legal proceeding or remedy may be instituted, continued or enforced, and any such penalty, suspension, disqualification, warning off, punishment or declaration of defaulter may be imposed as if those previous rules had not been revoked.

Charge 2: LR 42.2

1. You were, at all relevant times, a trainer registered with Greyhound Racing Victoria (GRV) (Member No. 154660) and a person bound by the Greyhounds Australasia Rules and Local Racing Rules.
2. You were, at all relevant times, the person responsible for the keeping and care of the greyhounds housed at your GRV registered kennelling premises (registered premises).
3. You caused or permitted greyhounds to be kept at your registered premises in conditions likely to be dangerous to their health and safety in that:
 - a. During an inspection conducted at your registered premises on 8 December 2021, it was found that greyhounds kept at the registered premises were:

- i. subjected to poor husbandry practices;
 - ii. given insufficient clean water and water that was discoloured or had or algae present in their water containers;
 - iii. subjected to unclean and unsanitary conditions in that there was an unreasonable accumulation of faecal matter and urine;
 - iv. provided with wet and dirty bedding from faeces and urine;
 - v. kept in a yard with a surrounding fence that had loose and protruding sharp wire and wood which was a danger to the greyhounds
 - b. On 8 December 2021, greyhounds – “Wild Junction” (VHFRH); “Invictus Zeek” (VHHPH); “Nitroglycerine” (NICSH); and VHYPZ were wearing anti-barking muzzles for an extended period.
4. At the time of the relevant conduct described, it was an offence under Local Racing Rule 42.2 (as then in force) to engage in the conduct described in particular 3.
5. By reason of Local Racing Rule 1 (as currently in force), the rescinding or variation of the previous rules and commencement of the Local Rules does not:
- a. affect the previous operation of the previous rules or anything duly done under those previous rules (including Rule 42.2);
 - b. affect any penalty, suspension, disqualification, warning off, punishment or declaration of defaulter incurred in respect of any matter under those previous rules (including a breach of Rule 42.2);
 - c. affect any Inquiry or other disciplinary process, legal proceeding or remedy in respect of any registered person or club, right, privilege, obligation, liability, penalty, suspension, disqualification, warning off, punishment or declaration of defaulter (including by virtue of Rule 42.2);

- d. any such Inquiry or other disciplinary process, legal proceeding or remedy may be instituted, continued or enforced, and any such penalty, suspension, disqualification, warning off, punishment or declaration of defaulter may be imposed as if those previous rules had not been revoked.

Charge 3: GAR 106(1)(a)

1. You were, at all relevant times, a trainer registered with Greyhound Racing Victoria (GRV) (Member No. 154660) and a person bound by the Greyhounds Australasia Rules and Local Racing Rules.
2. You were, at all relevant times, the person responsible for the care of the greyhounds housed at your GRV registered kennelling premises (registered premises).
3. You did fail to ensure that the greyhounds in your care were provided at all times with proper and sufficient water, in that:
 - a. An inspection was conducted at your registered premises on 8 December 2021;
 - b. During the inspection it was found that some of the greyhounds kept at the registered premises
 - i. did not have access to clean and sufficient water; or
 - ii. only had access to water that was discoloured or had algae present in their water containers.
4. At the time of the relevant conduct described, it was an offence under Greyhounds Australasia Rule 106(1)(a) (as then in force) to engage in the conduct described in particular 3.
5. 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 106(1)(a));

- b. affect any obligation or liability imposed, created or incurred prior to the rescission or variation of the Old Rules (including by virtue of Rule 106(1)(a)); 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 106(1)(a)).

Charge 4: GAR 106(1)(c)

1. You were, at all relevant times, a trainer registered with Greyhound Racing Victoria (GRV) (Member No. 154660) and a person bound by the Greyhounds Australasia Rules and Local Racing Rules.
2. You were, at all relevant times, the person responsible for the care of the greyhounds housed at your GRV registered kennelling premises (registered premises).
3. You did fail to ensure that the kennels at your registered premises were kept in a clean and sanitary condition, in that:
 - a. An inspection was conducted at your registered premises on 8 December 2021;
 - b. During the inspection it was found that the kennels were not kept in a clean and sanitary condition in that:
 - i. there was an accumulation of faecal matter; and
 - ii. there was wet and dirty bedding from faeces and urine.
4. At the time of the relevant conduct described, it was an offence under Greyhounds Australasia Rule 106(1)(c) (as then in force) to engage in the conduct described in particular 3.
5. 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 106(1)(c));
- b. affect any obligation or liability imposed, created or incurred prior to the rescission or variation of the Old Rules (including by virtue of Rule 106(1)(c)); 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 106(1)(c)).

Charge 5: GAR 86(q)

1. You were, at all relevant times, a trainer registered with Greyhound Racing Victoria (GRV) (Member No. 154660) and a person bound by the Greyhounds Australasia Rules and Local Racing Rules.
2. You engaged in conduct which is detrimental or prejudicial to the interest, welfare, and image of greyhound racing in that:
 - a. An inspection was conducted at your registered kennelling premises (registered premises) on 8 December 2021;
 - b. during the inspection, it was found that the kennel conditions in both the indoor and outdoor kennels at your registered premises were detrimental to the interest, welfare, and image of greyhound racing in that they were:
 - i. in an unclean, unsanitary state with minimal clean water; and
 - ii. in conditions that were detrimental to the welfare of the greyhounds.
3. At the time of the relevant conduct described, it was an offence under Greyhounds Australasia Rule 86(q) (as then in force) to engage in the conduct described in particular 2.

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

BRIEF 2

Charge 1: GAR 83(2)

1. You are, and were at all relevant times, a trainer licensed by Greyhound Racing Victoria and a person bound by the Greyhounds Australasia Rules.
2. You were, at all relevant times, the trainer of the greyhound "Ebony Tara".
3. Ebony Tara was nominated to compete in, Race 2, AUSTRALIAN QUALITY PET FOODS, Maiden, conducted by the Warragul Greyhound Racing Club at Warragul on 27 November 2021 (the Event).
4. On 27 November 2021, you presented Ebony Tara at the Event not free of any prohibited substance, given that:
 - a. A pre-race sample of urine was taken from Ebony Tara at the Event (the Sample);
 - b. Procaine was detected in the Sample.

Charge 2: GAR 83(2)

1. You are, and were at all relevant times, a trainer licensed by Greyhound Racing Victoria and a person bound by the Greyhounds Australasia Rules.
2. You were, at all relevant times, the trainer of the greyhound “Nitroglycerine”.
3. Nitroglycerine was nominated to compete in, Race 5. MONCELLARS HT1, Grade 5 Heat, conducted by the Sale Greyhound Racing Club at Sale on 5 December 2021 (the Event).
4. On 5 December 2021, you presented Nitroglycerine at the Event not free of any prohibited substance, given that:
 - a. A sample of urine was taken from Nitroglycerine upon arrival at the Event (the Sample);
 - b. Procaine was detected in the Sample.

Charge 3: GAR 83(2)

1. You are, and were at all relevant times, a trainer licensed by Greyhound Racing Victoria and a person bound by the Greyhounds Australasia Rules.
2. You were, at all relevant times, the trainer of the greyhound “Mayhem’s Quest”.
3. Mayhem’s Quest was nominated to compete in Race 10, HOOKED ON SCOTCH AT STUD HT 5 (275+ RANK), S/E Heat, conducted by the Traralgon Greyhound Racing Club at Traralgon on 17 January 2022 (the Event).
4. On 17 January 2022, you presented Mayhem’s Quest at the Event not free of any prohibited substance, given that:

- a. A raceday sample of urine was taken from Mayhem's Quest at your registered kennelling address on the morning of the Event (the Sample);
- b. Procaine was detected in the Sample.

BRIEF 3

Charge 1: GAR 21(1)(c)

1. You were, at all relevant times, a public trainer registered with Greyhound Racing Victoria (Member No. 154660) and a person bound by the Greyhound Australasia Rules and Local Rules of Racing.
2. You were at all relevant times a person responsible for the care and supervision of the greyhounds housed at your GRV registered kennelling premises (registered premises).
3. You did fail to ensure that the kennels at your registered premises were kept in a clean and sanitary condition, in that:
 - a. An inspection was conducted on your registered premises on 6 July 2022;
 - b. During the inspection it was found that the kennels were not kept in a clean and sanitary condition, in that:
 - i. Kennels and pens with uneven cement flooring, which did not permit adequate drainage of fluids and was not impervious to liquids;
 - ii. Kennels with a strong odour of urine and ammonia;
 - iii. Pens without privacy screens at least 1 metre high between each greyhound's sleeping area;
 - iv. Indoor kennels, and outdoor pen/yards in a poor sanitary condition, with faeces and urine;
 - v. Greyhounds housed with insufficient bedding;

- vi. Insufficient fresh and clean water;
- vii. The outdoor yards had large holes likely to cause injury to the greyhounds;
- viii. The outdoor yards were overgrown with blackberry bushes and weeds;
- ix. The pens and yards had fencing with exposed wires which were likely to cause injury to the greyhounds.

Charge 2: GAR 21(3)

1. You were, at all relevant times, a public trainer registered with Greyhound Racing Victoria (Member No. 154660) and a person bound by the Greyhound Australasia Rules and Local Rules of Racing.
2. You were at all relevant times a person responsible for the care and supervision of the greyhounds housed at your GRV registered kennelling premises (registered premises).
3. You kept greyhounds in conditions that is likely to be dangerous to the health, welfare or safety of that greyhound, in that:
 - a. An inspection was conducted on your registered premises on 6 July 2022;
 - b. During the inspection it was found that the greyhounds on your registered premises were kept in conditions likely to be dangerous to the health, welfare or safety of that greyhound, in that:
 - i. Kennels and pens with uneven cement flooring, which did not permit adequate drainage of fluids and was not impervious to liquids;
 - ii. Kennels with a strong odour of urine and ammonia;
 - iii. Indoor kennels, and outdoor pen/yards in a poor sanitary condition, with faeces and urine;

- iv. Greyhounds housed with insufficient bedding;
- v. Insufficient fresh and clean water;
- vi. The outdoor yards had large holes likely to cause injury to the greyhounds;
- vii. The outdoor yards were overgrown with blackberry bushes and weeds;
- viii. The pens and yards had fencing with exposed wires which were likely to cause injury to the greyhounds.

BRIEF 4

Charge 1: GAR 105(4)(i)

1. You are and were, at all relevant times, a trainer registered with Greyhound Racing Victoria (GRV) (Member No. 154660) and a person bound by the Greyhounds Australasia Rules and Local Racing Rules.
2. You have not, within 3 working days of a greyhound leaving your care or custody, given notice to Greyhound Racing Victoria (GRV) of that occurrence, in that:
 - a. On 6 July 2022, an audit was conducted of greyhounds that were under your care during a kennel inspection at your kennel address, during which three (3) greyhounds namely “Wild Junction” (VHFRH), “Water Dragon” (VIYHP), and “Wrap Around” (VGGBC) were identified as having left your care or custody;
 - b. You have advised Stewards during this audit that these greyhounds had left your care or custody on or about January/February 2022;
 - c. You had not given notice to GRV of these greyhounds leaving your care and custody within 3 working days.

3. At the time of the relevant conduct described, it was an offence under Greyhounds Australasia Rule 105(4)(i) (as then in force) to engage in the conduct described in particular 2.
4. 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 105(4)(i));
 - b. affect any obligation or liability imposed, created or incurred prior to the rescission or variation of the Old Rules (including by virtue of Rule 105(4)(i)); 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 105(4)(i)).

Charge 2: LR 42.6(i)(i)

1. You are and were, at all relevant times, a trainer registered with Greyhound Racing Victoria (GRV) (Member No. 154660) and a person bound by the Greyhounds Australasia Rules and Local Racing Rules.
2. You have not, keep detailed records of your compliance requirements with LR 42.6 and provided these records and evidence to a steward on request, in that;
 - a. On 6 July 2022, an audit was conducted of greyhounds that were under your care during a kennel inspection at your kennel address, during which three (3) greyhounds owned by you, namely “Wild Junction” (VHFRH), “Water Dragon” (VIYHP), and “Wrap Around” (VGGBC) were identified as having left your care or custody;
 - b. You have advised Stewards during this audit that these greyhounds had left your care or custody on or about January/February 2022;

- c. You had not kept detailed records regarding the re-homing of these greyhounds in compliance with LR42.6 and were not able to provide these records to Stewards on request.
3. At the time of the relevant conduct described, it was an offence under Local Rule 42.6(i)(i) (as then in force) to engage in the conduct described in particular 2.
4. By reason of Local Rule 1 (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 42.6(i)(i));
 - b. affect any obligation or liability imposed, created or incurred prior to the rescission or variation of the Old Rules (including by virtue of Rule 42.6(i)(i)); 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 42.6(i)(i)).

Pleas: Not Guilty to Charge 3 – Brief 1
Guilty to all remaining Charges

DECISION

INTRODUCTION

Greyhound Racing Victoria (“GRV”) Stewards have charged licensed trainer, Mr John Lindrea, with a large number of offences. Mr Lindrea initially pleaded guilty to all charges. However, during the conduct of the hearing, he changed his plea to one of not guilty in relation to one charge, namely Charge 3 in Brief 1. It is a charge that can be dealt with separately and we shall return to it after dealing with all other charges to which he has pleaded guilty. The charges are brought pursuant to Local Racing Rule (“LR”) 42.1, 42.2, and Greyhounds Australasia Rule (“GAR”) 106(1)(a), 106(1)(c) and 86(q).

Mr Anthony Pearce represented the Stewards. Mr Lindrea was self-represented. Due to the number of charges, the Stewards' case was presented in groups of charges corresponding with Briefs. The presentation went into some detail and also outlined proposed penalties in the order of presentation, ultimately returning to the charge to which a plea of not guilty had been entered.

BRIEF 1

Brief 1 relates to five charges.

All five charges arise from the unannounced inspection by the Stewards of the kennels and surrounding areas at the kennelling address of Mr Lindrea. The inspection was carried out on 8 December 2021. Although an attempt had been made to contact Mr Lindrea by telephone, he was not present. Telephone contact was made by the Stewards later on this day. As a result, a return visit was made on the following day.

The findings of the Stewards on 8 December 2021 could be summarised as follows. The indoor kennels were in a dirty condition, with a build up of urine and faeces. The bedding provided for the dogs was wet, dirty and in poor condition. The outdoor kennels had holes in the ground and damaged fences, allegedly dangerous. There was a risk of escape. The grass was long. The wire fencing was in poor condition and posed a risk. The water available was dirty and of very poor quality.

As stated, the Stewards made a return visit on the following day, this having been arranged when telephone contact was made. Some attempt at improvements had been made. There had been some cleaning-up done.

At this point, we would make two observations. Firstly, according to the veterinarian who attended with the Stewards, all greyhounds at the kennels appeared to be in "decent body condition", but were at risk. Secondly, the Stewards had previously visited the kennels on 19 March 2021. Issues such as bedding, water, hygiene and the like had been raised with Mr Lindrea. The Stewards had effectively "put him on notice" in relation to problems of much the same nature as those noted on 8 December 2021. Mr Lindrea does not appear to have rectified them on an ongoing basis.

When interviewed on 9 December 2021, effectively Mr Lindrea agreed with the observations of the Stewards, but stated that the kennels and their surrounds were not normally in the condition seen by them.

A large number of photographs were placed into evidence. These were taken by the Stewards on 8 December 2021. In our opinion, they substantiate the relevant charges laid. The report

of Dr Sarah Doornbusch, Veterinary Surgeon, was also placed into evidence. We accept it as being accurate. We turn now to the penalties proposed by the Stewards. We leave to one side the contested Charge 3.

Charges 1, 2 and 4 could be described as dealing collectively with the issues of animal welfare, living conditions, health and safety. Given the pleas of guilty, it is unnecessary for us to go into greater detail than what has been set out above. Full details can be seen in the charge particulars in the introductory pages of this decision.

The penalties proposed by the Stewards are as follows: -

Charge 1: disqualification for a period of 12 months.

Charge 2: disqualification for a period of 12 months, wholly concurrent with Charge 1.

Charge 4: disqualification for a period of six months, wholly concurrent with Charge 1.

Charge 5 (which deals with the interests and image of greyhound racing): disqualification for a period of 12 months, wholly concurrent with Charge 1.

Thus, for Charges 1, 2, 4 and 5, the Stewards argue for an effective period of disqualification for 12 months.

BRIEF 3

This Brief also concerns matters of animal welfare. It results from a visit by the Stewards to the same kennels on 6 July 2022. Two charges resulted from this visit. The charges are pursuant to GAR 21(1)(c) and 21(3). Again, Dr Doornbusch attended this inspection.

The conditions were again poor. There was inadequate drainage, with the cement floor of the kennels being uneven, allowing for liquids, including urine to pool. There was an “overpowering” odour of urine and ammonia. The bedding of the kennels was dirty and in poor condition. The bedding was neither clean or dry. In one pen, the drainage was blocked and there was an accumulation of faecal material. The outdoor pens were also in poor condition. One yard was overgrown with blackberry bushes and there were large holes in the fence. A greyhound was in this yard. There were no beds and there was insignificant clean fresh water. There was a general lack of maintenance. The kennels and yards were poorly constructed.

In relation to this Brief, the Stewards sought the following penalties:

Charge 1: six months disqualification, wholly concurrent with Charge 2.

Charge 2: 12 months disqualification.

BRIEF 2

Brief 2 involves three presentation charges. Each charge relates to a breach of GAR 83(2) and the presence of the prohibited substance, procaine, in urine samples taken from the dogs trained by Mr Lindrea.

The details of the three charges are as follows: -

1. "Ebony Tara"; Race 2 at Warragul on 17 November 2021.
2. "Nitroglycerine"; Race 5 at Sale on 5 December 2021.
3. "Mayhem's Quest"; Race 10 at Traralgon on 17 January 2022.

Charge 1 relates to a pre-race sample. Charge 2 relates to a sample upon arrival and Charge 3 to a sample taken at the kennels on the morning of the race.

As stated, Mr Lindrea has pleaded guilty to each charge. In each instance, the probable source of the prohibited substance was knackery meat. The industry has been warned for years in relation to the risks associated with the use of knackery meat, but the message is very slow in getting through to some trainers. Knackery meat is a false economy. Further, Mr Lindrea was previously found guilty of an offence involving knackery meat in 2018.

The penalties suggested by the Stewards in relation to these charges are as follows: -

On each charge, three months suspension wholly suspended for 24 months, together with a fine of \$2,000, with \$1,000 wholly suspended for 24 months. This would mean a total suspension of nine months wholly suspended for 24 months, along with a fine of \$6,000, of which \$3,000 is wholly suspended for 24 months.

BRIEF 4

Brief 4 concerns GAR 105(4)(i) and LR 42.6(1). There is one charge pursuant to each Rule.

Charge 1 relates to Mr Lindrea's failure to advise GRV of the fact that three greyhounds ("Wild Junction", "Water Dragon" and "Wrap Around") had left his care or custody. This was discovered in an audit on 6 July 2022. Mr Lindrea advised the Stewards that these dogs had so left in or about January/February 2022.

Charge 2 relates to Mr Lindrea's failure to keep proper records of the movement of the three dogs referred to in Charge 1.

The penalties recommended by the Stewards in relation to these two offences are as follows. On Charge 1, suspension for three months wholly suspended for 24 months, and a fine of \$500. The Stewards seek a similar penalty in relation to Charge 2, with the fine cumulative upon that on Charge 1.

Thus, in relation to the offences involved in Brief 4, the Stewards seek a total penalty of three months suspension wholly suspended for 24 months along with fines totalling \$1,000.

CHARGE 3 – BRIEF 1

To complete our summary of the charges, we need to deal with Charge 3 in Brief 1, to which Mr Lindrea is pleading not guilty. This charge is pursuant to GAR 106(1)(a) and concerns the alleged failure to provide the kennels with sufficient water.

We are comfortably satisfied that this charge has been proven. This charge also arises from the Stewards inspection of 8 December 2021. It is alleged by them that the water available to the dogs was dirty and contained algae. Some dogs had very little water. Photos taken at the time and exhibited to the report of the Stewards would support their proposition.

Thus, we find that Charge 3 of Brief 1 has been proven to our comfortable satisfaction.

The penalty recommended by the Stewards in relation to this offence is a fine of \$2,000.

PENALTY

Having completed our summary of the charges and of the recommendations of the Stewards, we turn now to a discussion of Mr Lindrea's background and circumstances before setting out our penalties.

He is 60 years of age. He is a hobby trainer and usually has six to eight dogs. He is a school bus driver by occupation. He owns the premises at which he lives and the dogs are kept. He has been involved in the greyhound industry for some 25 to 30 years. Normally he buys the dogs from other people.

In our opinion, the penalties suggested by the Stewards, insofar as they involve disqualification rather than suspension, are appropriate for the charges contained in Briefs 1 and 3 (save for Charge 3 in Brief 1). These are serious matters which have the potential to make a damaging impact upon the image of greyhound racing. In addition, whilst happily no dog seems to have suffered ill health or major consequences in this particular case, the potential for such a result unquestionably existed.

Further, the Stewards had visited and inspected the kennels only a little over eight months previously and had found most of the dogs' accommodation and hygiene to be unsatisfactory, and had effectively put you on notice. Despite this, the facilities were not better, and may indeed have been less satisfactory than when they visited on 8 December 2021. Whilst there seems to have been little brief improvement by 9 December, by the time of the visit of 6 July 2022 the condition in which the dogs lived were again poor.

In those circumstances, disqualification rather than suspension is appropriate, and the repeated failure evident by what was found on 6 July 2022 is of particular significance.

There are some issues which we raise in relation to the penalties proposed by the Stewards. It must be remembered that Mr Lindrea has pleaded guilty to all charges, except Charge 3 in Brief 1, and that seems to have been a last minute change of mind in relation to an offence where a fine was being sought.

These quite complicated matters involve a total of 12 different charges and a considerable amount of detail. In our opinion, Mr Lindrea, by pleading guilty, particularly to the serious matters related to animal welfare, has simplified a quite complex situation and saved all concerned the time and inconvenience that would have been the result of contests.

We also take into account his good record over a long time in greyhound racing. There is only one relevant prior offence, and that related to a prohibited substance, rather than animal welfare.

Bearing in mind the above, we have arrived at the following penalties:

PENALTY – BRIEF 1

Charge 1: nine months disqualification.

Charge 2: nine months disqualification, wholly concurrent with the penalty imposed on Charge 1.

Charge 3: \$2,000 fine.

Charge 4: six months disqualification, wholly concurrent with the penalty imposed on Charge 1.

Charge 5: nine months disqualification, wholly concurrent with the penalty imposed on Charge 1.

PENALTY – BRIEF 3

Charge 1: six months disqualification, wholly concurrent with the penalty imposed on Charge 2.

Charge 2: 12 months disqualification. This is to be cumulative upon the disqualification imposed in Charge 1 of Brief 1.

PENALTY – BRIEF 2

Charge 1: three months suspension, wholly suspended for a period of 24 months and a fine of \$1,500, with \$750 suspended for a period of 24 months. In addition, Ebony Tara is disqualified from Race 2 at Warragul on 17 November 2021 and the finishing order is amended accordingly.

Charge 2: three months suspension, wholly suspended for a period of 24 months and a fine of \$1,500, with \$750 suspended for a period of 24 months. In addition, Nitroglycerine is disqualified from Race 5 at Sale on 5 December 2021 and the finishing order is amended accordingly.

Charge 3: three months suspension, wholly suspended for a period of 24 months and a fine of \$1,500, with \$750 suspended for a period of 24 months. In addition, Mayhem's Quest is disqualified from Race 10 at Traralgon on 17 January 2022 and the finishing order is amended accordingly.

Thus, there is a total period of suspension of nine months, all of which is suspended for a period of 24 months. There are fines totalling \$4,500, of which \$2,250 is suspended for a period of 24 months.

PENALTY – BRIEF 4

Charge 1: three months suspension, wholly suspended for a period of 24 months and a \$500 fine.

Charge 2: three months suspension, wholly suspended for a period of 24 months and a \$250 fine.

It is considered that there is some overlapping between Charges 1 and 2.

CONCLUSION

The end result is the following: -

A disqualification for 21 months, which is to commence from the date of this decision.

A suspension for 15 months, all of which is in turn suspended for 24 months.

There are fines now payable in the sum of \$5,000. There are suspended fines totalling \$2,250.

Had there not been pleas of guilty, greater penalties would have been imposed.

Kathleen Scully
Assistant Registrar, Victorian Racing Tribunal