

23 November 2023

DECISION

GREYHOUND RACING VICTORIA

and

LEWIS GREEN

Date of hearing: 7 September 2023
Decision handed down: 15 November 2023

Panel: Judge John Bowman (Chairperson) and Dr Andrew Gould.

Appearances: Ms Amara Hughes, instructed by Mr Anthony Pearce, appeared on behalf of the Stewards.
Mr Lewis Green represented himself.
Mr Chris Gawne appeared as a witness.
Dr Sarah Doornbusch appeared as a witness.

Charges: Greyhounds Australasia Rule ("GAR") 21(1)(d) states:
(1) A person must ensure that any greyhound in the person's care or custody, is at all times provided with:
(d) veterinary attention when necessary

GAR 21(2) states:

(2) A person must exercise the care and supervision necessary to prevent a greyhound under the person's care or custody from being subjected to unnecessary pain or suffering, or from anything which is likely to lead to unnecessary pain or suffering.

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 151(1) states:

(1) The person in charge of a greyhound must keep and retain written records detailing all vaccinations, antiparasitics and treatments administered to the greyhound:

- (a) from the time the greyhound enters their care until the greyhound leaves their care; and
- (b) for a minimum of two years.

Particulars:

Charge 1: GAR 21(1)(d)

1. You were, at all relevant times, a trainer registered with Greyhound Racing Victoria (GRV) (Member No. 3446) and a person bound by the Greyhounds Australasia Rules and Local Racing Rules.
2. On 2 September 2022, you were the owner of, and had the care of, greyhound "Cawbourne Apache" (NIEDI).
3. On 2 September 2022, Cawbourne Apache was examined by a GRV veterinarian and found to have injuries which required veterinary treatment.
4. You failed to provide veterinarian attention for Cawbourne Apache when such veterinary attention was necessary.

Charge 2: 21(1)(d)

1. You were, at all relevant times, a trainer registered with Greyhound Racing Victoria (GRV) (Member No. 3446) and a person bound by the Greyhounds Australasia Rules and Local Racing Rules.
2. On 2 September 2022, you were the owner of, and had the care of, greyhound "Chasin' Bobbi" (VGAOW).
3. On 2 September 2022, Chasin' Bobbi was examined by a GRV veterinarian and found to have injuries which required veterinary treatment.
4. You failed to provide veterinarian attention for Chasin' Bobbi when such veterinary attention was necessary.

Charge 3: GAR 21(1)(d)

1. You were, at all relevant times, a trainer registered with Greyhound Racing Victoria (GRV) (Member No. 3446) and a person bound by the Greyhounds Australasia Rules and Local Racing Rules.
2. On 2 September 2022, you were the owner of, and had the care of, greyhound "Turbo Tunes" (NJABS).
3. On 2 September 2022, Turbo Tunes was examined by a GRV veterinarian and found to have injuries which required veterinary treatment.
4. You failed to provide veterinarian attention for Turbo Tunes when such veterinary attention was necessary.

Charge 4: GAR 21(2)

1. You were, at all relevant times, a trainer registered with Greyhound Racing Victoria (GRV) (Member No. 3446) and a person bound by the Greyhounds Australasia Rules and Local Racing Rules.
2. On 2 September 2022, you were the owner of, and had the care of, greyhound "Cawbourne Apache" (NIEDI).
3. On 2 September 2022, Cawbourne Apache was examined by a GRV veterinarian and found to have injuries which required veterinary treatment and subjected the greyhound to unnecessary pain and suffering.
4. You failed exercise such care and supervision necessary to prevent a greyhound that was in your care and custody from being subjected to unnecessary pain or suffering.

Charge 5: GAR 21(2)

1. You were, at all relevant times, a trainer registered with Greyhound Racing Victoria (GRV) (Member No. 3446) and a person bound by the Greyhounds Australasia Rules and Local Racing Rules.

2. On 2 September 2022, you were the owner of, and had the care of, greyhound "Chasin' Bobbi" (VGAOW).
3. On 2 September 2022, Chasin' Bobbi was examined by a GRV veterinarian and found to have injuries which required veterinary treatment and subjected the greyhound to unnecessary pain and suffering.
4. You failed exercise such care and supervision necessary to prevent a greyhound that was in your care and custody from being subjected to unnecessary pain or suffering.

Charge 6: GAR 21(2)

1. You were, at all relevant times, a trainer registered with Greyhound Racing Victoria (GRV) (Member No. 3446) and a person bound by the Greyhounds Australasia Rules and Local Racing Rules.
2. On 2 September 2022, you were the owner of, and had the care of, greyhound "Turbo Tunes" (NJABS).
3. On 2 September 2022, Turbo Tunes was examined by a GRV veterinarian and found to have injuries which required veterinary treatment and subjected the greyhound to unnecessary pain and suffering.
4. You failed exercise such care and supervision necessary to prevent a greyhound that was in your care and custody from being subjected to unnecessary pain or suffering.

Charge 7: GAR 21(1)(c)

1. You were, at all relevant times, a trainer registered with Greyhound Racing Victoria (GRV) (Member No. 3446) and a person bound by the Greyhounds Australasia Rules and Local Racing Rules.
2. On 2 September 2022 your registered kennels were located in Parwan, Victoria.

3. On that date Investigative Stewards conducted an inspection at your kennels and observed the following:

- The concrete flooring in the main kennel block in both the east and west ends was cracked and water was pooling in areas of the floor;
- The bedding in each pen was minimal and required replacing;
- The refrigerator in the meal prep area used for storing meat intended for the greyhounds was in a filthy state, with blood from the meat having leaked inside the fridge and out onto the concrete floor. The fridge and surrounding area had clearly not been cleaned for many days; and
- Long grass and weeds in the areas surrounding the kennels and yards.

4. Your kennels were not in a clean and sanitary condition.

Charge 8: GAR 151(1)

1. You were, at all relevant times, a trainer registered with Greyhound Racing Victoria (GRV) (Member No. 3446) and a person bound by the Greyhounds Australasia Rules and Local Racing Rules.
2. You were at all relevant times the person in charge of the greyhound "Cawbourne Apache" (NIEDI).
3. On 10 January 2023, you had not kept and retained sufficient written treatment records for Cawbourne Apache.

Charge 9: GAR 151(1)

1. You were, at all relevant times, a trainer registered with Greyhound Racing Victoria (GRV) (Member No. 3446) and a person bound by the Greyhounds Australasia Rules and Local Racing Rules.

2. You were at all relevant times the person in charge of the greyhound "Chasin' Bobbi" (VGAOW).
3. On 10 January 2023, you had not kept and retained sufficient written treatment records for Chasin' Bobbi.

Charge 10: GAR 151(1)

1. You were, at all relevant times, a trainer registered with Greyhound Racing Victoria (GRV) (Member No. 3446) and a person bound by the Greyhounds Australasia Rules and Local Racing Rules.
2. You were at all relevant times the person in charge of the greyhound "Turbo Tunes" (NJABS).
3. On 10 January 2023, you had not kept and retained sufficient written treatment records for Turbo Tunes.

Pleas: Not Guilty to all Charges

DECISION

Mr Lewis Green, you have pleaded "Not Guilty" to a total of 10 charges. Charges 1 to 3 relate to GAR 21(1)(d). Charges 4 to 6 concern GAR 21(2). All 6 Charges arise from a visit to your kennels by Stewards on 2 September 2022. You were not present during the visit, but your wife was in attendance.

The 6 Charges could be referred to globally as involving animal welfare, as could Charge 7, which involves GAR 21(1)(e). It relates to the conditions in which the greyhounds trained by you were kept.

Charges 1 to 6 concern the welfare of some 3 greyhounds, namely, Cawborne Apache, Chasin' Bobbi and Turbo Tunes.

Charges 8, 9 to 10 concern the failure to keep proper records in respect of those 3 dogs. Charge 7 relates to the standard of the kennels generally at your then premises.

You represented yourself and gave evidence. Much of that evidence related not so much to the conditions prevailing as at 2 September 2022, but to the remedial work which was

performed immediately and your subsequent removal of the dogs to newly constructed kennels.

The Stewards do not challenge the fact that following the visit on 2 September 2022 you immediately set about remedial work. A subsequent visit on 21 October 2022 showed the kennels to be in a satisfactory condition. You have since gone to even greater lengths, moving the dogs to brand new kennels on a property in the same general area.

We are satisfied that Charges 1 to 7 have been made out to our comfortable satisfaction. The photographic evidence, as well as the oral evidence of Mr Gawne and Dr Doormbusch, has led us to that conclusion.

We say now that we are impressed by the lengths to which you subsequently went, including taking the three dogs in question to veterinary surgeon Dr Michael Bell on the day following the inspection, namely, 3 September 2022. Whilst we do not have a report from Dr Bell, we note that the treatment that was given to the three dogs was not of an urgent nature and not indicative of there being any significant injury.

These last observations might relate more to penalty, but also reflect that Charges 1 to 7 have been made out to our comfortable satisfaction. There is no real contest concerning Charges 8 to 10, being the failure to maintain proper records in relation to the same three dogs. We also find that Charges 8, 9 and 10 have been proven to our comfortable satisfaction.

PENALTY

Mr Lewis Green, you have been found guilty of 10 offences. You pleaded “Not Guilty” to each charge, but it must be said that, in at least some instances, there was no real contest, but rather an explanation. We turn now to the question of penalties.

Charges 1 – 3 are based upon Greyhounds Australasia Rule (“GAR”) 21(1)(d). The relevant breaches concern the failure to provide necessary veterinary attention to three dogs of which you were the trainer – “Cawbourne Apache”, “Chasin’ Bobbi” and “Turbo Tunes”.

Charges 4 – 6 involve GAR 21(2) – failing to provide necessary care and attention to prevent unnecessary suffering to the same three dogs. Arguably, there is some overlapping with Charges 1 – 3.

Charge 7 also relates to animal welfare in that it is pursuant to GAR 21(1)(c) – kennels not being of a clean and sanitary standard.

Charges 8 – 10 concern GAR 151(1) – failure to keep treatment records in relation to the dogs in question. We shall return to Charges 8 – 10 after we have dealt with Charges 1 – 7.

Turning to Charges 1 – 6, we make the following observations.

At the time of the visit by the Stewards and Dr Sarah Dornbusch on 2 September 2022, the three dogs were found to have some injuries. No veterinary attention had been obtained.

We would refer to our earlier decision on liability. As stated in that decision, on the very next day you took the dogs to be seen by Dr Michael Bell, veterinary surgeon, who has treated some of your dogs on previous occasions. As we understand it, Dr Bell is, and has been for a considerable period, a well-known veterinary surgeon who specialises in work with greyhounds.

Whilst we do not have a report from Dr Bell, we note and accept that the treatment given to the dogs by him was not of a major nature and was not indicative of there being any significant injury to any of them. Indeed, there was little or no challenge to this proposition relating to the low level of the treatment given by him to the dogs. Follow-up appointments with Dr Bell do not seem to have been required.

We are also conscious of the necessity of having injuries to greyhounds treated immediately, both for the welfare of the animals and for the image of the industry.

Bearing in mind your good record, the apparent extent of your involvement in the industry, and the matters to which we have referred to above in relation to the extent of the injuries, we are of the opinion that the following penalties are appropriate. Bearing in mind your efforts to comply with the Stewards' observations, which you did so very successfully, together with the speed with which you did them and the expenditure that was involved, we are of the view that the relevant penalties which we impose should be of suspension, rather than disqualification, along with fines.

On Charge 1, you are suspended for a period of six months.

On each of Charges 2, 3, 4, 5 and 6, you are also suspended for a period of six months, but those periods of suspension are concurrent with the penalty imposed for Charge 1.

Turning to Charge 7, this involves the standard of your kennels. We accept that, immediately following the visit of the Stewards on 2 September 2022, you made thorough improvements to the kennels to the extent that they were satisfactory by the time of the next Stewards' inspection on 21 October 2022. We also accept that you have now moved to new kennels and have spent something in the order of \$30,000 in this regard.

The standard of kennelling is another important matter, directly relating to the welfare of greyhounds and the public perception of this.

On Charge 7, you are suspended for a period of two months. That period of suspension is cumulative upon the penalty imposed on Charge 1.

We turn now to Charges 8, 9 and 10. Each of these charges concerns the failure to keep proper records in relation to one of the three dogs.

The keeping of proper records is essential to the supervision of the well-being of greyhounds and the smooth operation of the industry. The failure so to do has the potential to impede the Stewards in the execution of their duties.

Charges 8, 9 and 10 all arise from the same neglect and are essentially identical, save for the names of the individual greyhounds.

On Charge 8, you are fined the sum of \$300.

The same penalty is imposed for both Charges 9 and 10, but they effectively involve the same lack of attention. In these circumstances, the penalty for each is concurrent with the penalty imposed on Charge 8.

The bottom line is as follows. You are suspended for a period of eight months and fined the sum of \$300. The suspension shall commence immediately.

Mark Howard
Registrar, Victorian Racing Tribunal