

9 February 2023

DECISION**GREYHOUND RACING VICTORIA**

and

GIUSEPPE GIRVASI

- Date of hearing:** 3 February 2023
- Panel:** Justice Shane Marshall (Deputy Chairperson) and Judge Marilyn Harbison.
- Appearances:** Ms Amara Hughes instructed by Mr Anthony Pearce appeared on behalf of the Stewards.
Mr Giuseppe Girvasi represented himself.

Charges and particulars:**Charge No. 1 of 6**

Greyhounds Australasia Rule **106(1)(d)**, as in force at the relevant time, which reads as follows:

(1) A registered person must ensure that greyhounds, which are in the person's care or custody, are provided at all times with –

(d) veterinary attention when necessary;

Particulars of the Charge being:

1. You were, at all relevant times, a trainer registered with Greyhound Racing Victoria (**GRV**) (Member No. 26918) and a person bound by the Greyhounds Australasia Rules and Local Racing Rules.
2. At all relevant times, you had the greyhound, Coco Chum (VHEWW) in your care and custody.

3. On 30 January 2021, you were the owner and trainer of the greyhound, Coco Chum (VHEWW) when it suffered a serious leg injury at Cranbourne Greyhound Racetrack during a race.
4. Between 30 January 2021 and 1 February 2021, this greyhound required veterinary attention due to the serious leg injury it had suffered.
5. You did fail to seek veterinary attention, which was necessary until 1 February 2021.
6. At the time of the relevant conduct described, it was an offence under Greyhounds Australasia Rule 106(1)(d) (as then in force) to engage in the conduct described in particular 5.
7. 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)(d));
 - 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)(d)); 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)(d)).

Charge No. 2 of 6

Greyhounds Australasia Rule **106(2)**, as in force at the relevant time, which reads as follows:

(2) A registered person must exercise such reasonable care and supervision as may be necessary to prevent greyhounds pursuant to the person's care or custody from being subjected to unnecessary pain or suffering.

Particulars of the Charge being:

1. You were, at all relevant times, a trainer registered with Greyhound Racing Victoria (**GRV**) (Member No. 26918) and a person bound by the Greyhounds Australasia Rules and Local Racing Rules.
2. At all relevant times, you had the greyhound, Coco Chum (VHEWW) in your care and custody.
3. On the 30 January 2021, you were the owner and trainer of the greyhound, Coco Chum (VHEWW) when it suffered a serious leg injury at Cranbourne Greyhound Racetrack during a race.

4. Between 30 January 2021 and 1 February 2021, this greyhound required veterinary attention due to the serious leg injury it had suffered, and the removal of the bandage supporting the fractured right hock.
5. You did fail to exercise reasonable care and supervision of the greyhound by failing to seek veterinary attention until 1 February 2021, which resulted in the greyhound being subjected to unnecessary pain and suffering.
6. At the time of the relevant conduct described, it was an offence under Greyhounds Australasia Rule 106(2) (as then in force) to engage in the conduct described in particular 5.
7. 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(2));
 - 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(2)); 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(2)).

Charge No. 3 of 6

Greyhounds Australasia Rule **84A(1)**, as in force at the relevant time, which reads as follows:

(1) The person in charge of a greyhound must keep and retain records detailing all vaccinations, antiparasitics and medical treatments administered to a greyhound from the time the greyhound enters their care until the greyhound leaves their care and for a minimum of two (2) years. Such record of treatment must be produced for inspection when requested by a Steward or a person authorised by the Controlling Body. Any person responsible for a greyhound at the relevant time who fails to comply with any provision of this rule shall be guilty of an offence.

Particulars of the Charge being:

1. You were, at all relevant times, a trainer registered with Greyhound Racing Victoria (**GRV**) (Member No. 26918) and a person bound by the Greyhounds Australasia Rules and Local Racing Rules.
2. At all relevant times, you were the registered trainer for the greyhound, Coco Chum (VHEWW) and were responsible for the greyhound.

3. You did fail to keep and retain appropriate treatment records for Coco Chum (VHEWW), in that:
 - a. On 31 January 2021, you administered Diclofenac Sodium 25 to Coco Chum (VHEWW).
 - b. On 21 April 2021, upon a request from a Steward, you failed to produce treatment records due the laptop you recorded the information on, being frozen.
 - c. On 1 July 2021, you supplied the Stewards handwritten treatment records for three (3) greyhounds, including Coco Chum (VHEWW).
 - d. The handwritten records referred to in paragraph 3(c) failed to identify or detail the administration of the Diclofenac Sodium 25 detailed in paragraph 3(a).
4. At the time of the relevant conduct described, it was an offence under Greyhounds Australasia Rule 84A(1) (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 84A(1));
 - 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 84(1)); 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 84A(1)).

Charge No. 4 of 6

Greyhounds Australasia Rule **84A(2)**, as in force at the relevant time, which reads as follows:

(2) Each record of treatment kept in accordance with this rule must be made by midnight on the day on which the treatment was given and, as a minimum requirement, include the following information:

- a) Name of the greyhound;*
- b) Date and time of administration of the treatment;*
- c) Name of the treatment (brand name or active constituent);*
- d) Route of administration;*
- e) Amount given;*
- f) Name and signature of person or persons administering and/or authorising treatment.*

For the purposes of sub-rule (2), "day" means the 24-hour period from 12:01am to 12 midnight on any calendar day.

Particulars of the Charge being:

1. You were, at all relevant times, a trainer registered with Greyhound Racing Victoria (**GRV**) (Member No. 26918) and a person bound by the Greyhounds Australasia Rules and Local Racing Rules.
2. You were, at all relevant times, the registered trainer of the greyhound, Coco Chum (VHEWW).
3. On 1 July 2021, you supplied the Stewards handwritten treatment records for three (3) greyhounds, including Coco Chum (VHEWW).
4. The handwritten records referred to in paragraph 3 did not comply with the minimum required record keeping requirements, in that they failed to record:
 - a. the time of administration of the treatment;
 - b. amount given;
 - c. name and signature of person or persons administering and/or authorising treatment.
5. At the time of the relevant conduct described, it was an offence under Greyhounds Australasia Rule 84A(2) (as then in force) to engage in the conduct described in particular 4.
6. 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 84A(2));
 - 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 84(2)); 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 84A(2)).

Charge No. 5 of 6

Greyhounds Australasia Rule **86(p)**, as in force at the relevant time, which reads as follows:

A person (including an official) shall be guilty of an offence if that person –

(p) disobeys or fails to comply with the lawful order of a Steward or other person or body having official duties in relation to greyhound racing;

Particulars of the Charge being:

1. You were, at all relevant times, a trainer registered with Greyhound Racing Victoria (**GRV**) (Member No. 26918) and a person bound by the Greyhounds Australasia Rules and Local Racing Rules.
2. You failed to comply with the lawful order of a Steward in that:
 - a. On 23 April 2021, you were given a directions notice by a Steward to obtain clinical notes from Dr Des Fegan, Walnut Vet Clinic (including X-Rays and details of examination findings relating to the examination of Coco Chum (VHEWW) and subsequent euthanasia on 1 February 2021) and provide these clinical notes to the relevant Steward by 5pm on 30 April 2021.
 - b. You failed to provide the clinical notes relating to the greyhound, Coco Chum by 5pm on 30 April 2021 as required by the directions notice.
3. At the time of the relevant conduct described, it was an offence under Greyhounds Australasia Rule 86(p) (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(p));
 - 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(p)); 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(p)).

Charge No. 6 of 6

Greyhounds Australasia Rule **86(p)**, as in force at the relevant time, which reads as follows:

A person (including an official) shall be guilty of an offence if that person –

(p) disobeys or fails to comply with the lawful order of a Steward or other person or body having official duties in relation to greyhound racing;

Particulars of the Charge being:

1. You were, at all relevant times, a trainer registered with Greyhound Racing Victoria (**GRV**) (Member No. 26918) and a person bound by the Greyhounds Australasia Rules and Local Racing Rules.
2. You failed to comply with the lawful order of a Steward in that:
 - a. On 9 July 2021, you were given a directions notice by a Steward to obtain clinical notes from Dr Des Fegan, Walnut Vet Clinic (including X-Rays and details of examination findings relating to the examination of Coco Chum (VHEWW) and subsequent euthanasia on 1 February 2021) and provide these clinical notes to the relevant Steward by 5pm on 23 July 2021.
 - b. You failed to provide the clinical notes relating to the greyhound, Coco Chum by 5pm on 23 July 2021 as required by the directions notice.
3. At the time of the relevant conduct described, it was an offence under Greyhounds Australasia Rule 86(p) (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:
 - d. affect the previous operation of the Old Rules (including Rule 86(p));
 - e. 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(p)); or
 - f. 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(p)).

Pleas: Not Guilty to all charges

DECISION

1. In a decision given on 27 January 2023, the Tribunal found Mr Girvasi guilty of 6 offences under the Greyhounds Australasia Rules (“GAR”). That decision, which we will call the liability decision, should be read together with this decision.
2. The most serious of the 6 charges was Charge 2 under GAR 106(2). It concerned Mr Girvasi’s failure to take reasonable care to prevent pain and suffering to a greyhound. It is animal cruelty. It is conduct which brings the greyhound industry into disrepute and challenges its social licence in the eyes of a great many of the broader public. It calls for a severe penalty. Animal welfare is a crucial matter to take into account in sentencing for

an offence against GAR 106(2). In this case, Mr Girvasi's inaction led to the greyhound Coco Chum spending one day longer than was necessary in severe pain.

3. In setting a penalty for a breach of the sub-rule, we also take into account Mr Girvasi's otherwise good record in animal welfare matters over a long period as a trainer. However, as he pleaded not guilty, he is not entitled to a discount that would flow from a guilty plea.
4. We also take into account general and specific deterrence, denunciation of the offending conduct and recent penalties in like matters. In all the circumstances, we impose a period of disqualification of 6 months.
5. Charge 1 involves an offence under GAR 106(1)(d) for failing to seek veterinary assistance when necessary. This charge arises out of the same factual matrix as Charge 2. In all the circumstances, we impose a 3 month disqualification period, but make it wholly concurrent with the penalty under Charge 2.
6. Charges 3 and 4 concern a failure to comply with record keeping requirements regarding treatments given to greyhounds. It is essential that GRV is able to keep track of substances given to greyhounds. Charge 3 is under GAR 84A(1) and Charge 4 is under GAR 84A(2). Those offences are relevant, as can be seen from the liability decision. We impose a \$300 fine in relation to Charge 3 and the same penalty in relation to Charge 4. The penalty on Charge 4 is made concurrent with the penalty under Charge 3.
7. Charges 5 and 6 concern failures to comply on two separate occasions with directions of the Stewards that Mr Girvasi provide documents to them. This involves breaches of GAR 86(p). Mr Girvasi said that he was impeded in his ability to provide the documents by the failure of the veterinarians concerned to co-operate with him. The Stewards took issue with that argument, noting that Mr Girvasi initiated the concept that the veterinarian should provide the documents. However, we believe that there is genuine confusion in Mr Girvasi's mind about the extent to which he was responsible for obtaining the documents from the veterinarian. In all the circumstances, we impose a \$500 penalty on Charge 5 and the same penalty on Charge 6, but make it wholly concurrent with the penalty on Charge 5.
8. The total sum of immediate penalties is a 6 month disqualification period commencing today and fines totalling \$800.
9. We note that current penalty guidelines published by GRV suggest a minimum penalty of 2 years disqualification for breaches of GAR 106(2). We are informed by those guidelines, but not bound by them. We note that the financial penalties reflect Mr Girvasi's current

financial difficulties. The disqualification period is also informed by his poor health and the his dependence on his involvement in greyhound training to deal with his depression and heart condition. This matter unlike the case of Cheney (14 May 2021), did not involve deliberate cruelty to many greyhounds over a long period of time. We also take note Mr Girvasi did take some steps, albeit inadequately to attempt to relieve the pain experienced by the greyhound.

Mark Howard
Registrar, Victorian Racing Tribunal

2 February 2023

DECISION

GREYHOUND RACING VICTORIA

and

GIUSEPPE GIRVASI

Date of hearing: 18 January 2023

Panel: Justice Shane Marshall (Deputy Chairperson) and Judge Marilyn Harbison.

Appearances: Ms Amara Hughes instructed by Mr Anthony Pearce appeared on behalf of the Stewards.
Mr Giuseppe Girvasi represented himself.

Charges and particulars:

Charge No. 1 of 6

Greyhounds Australasia Rule **106(1)(d)**, as in force at the relevant time, which reads as follows:

(1) A registered person must ensure that greyhounds, which are in the person's care or custody, are provided at all times with –

(d) veterinary attention when necessary;

Particulars of the Charge being:

1. You were, at all relevant times, a trainer registered with Greyhound Racing Victoria (**GRV**) (Member No. 26918) and a person bound by the Greyhounds Australasia Rules and Local Racing Rules.
2. At all relevant times, you had the greyhound, Coco Chum (VHEWW) in your care and custody.

3. On 30 January 2021, you were the owner and trainer of the greyhound, Coco Chum (VHEWW) when it suffered a serious leg injury at Cranbourne Greyhound Racetrack during a race.
4. Between 30 January 2021 and 1 February 2021, this greyhound required veterinary attention due to the serious leg injury it had suffered.
5. You did fail to seek veterinary attention, which was necessary until 1 February 2021.
6. At the time of the relevant conduct described, it was an offence under Greyhounds Australasia Rule 106(1)(d) (as then in force) to engage in the conduct described in particular 5.
7. 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)(d));
 - 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)(d)); 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)(d)).

Charge No. 2 of 6

Greyhounds Australasia Rule **106(2)**, as in force at the relevant time, which reads as follows:

(2) A registered person must exercise such reasonable care and supervision as may be necessary to prevent greyhounds pursuant to the person's care or custody from being subjected to unnecessary pain or suffering.

Particulars of the Charge being:

1. You were, at all relevant times, a trainer registered with Greyhound Racing Victoria (**GRV**) (Member No. 26918) and a person bound by the Greyhounds Australasia Rules and Local Racing Rules.
2. At all relevant times, you had the greyhound, Coco Chum (VHEWW) in your care and custody.
3. On the 30 January 2021, you were the owner and trainer of the greyhound, Coco Chum (VHEWW) when it suffered a serious leg injury at Cranbourne Greyhound Racetrack during a race.

4. Between 30 January 2021 and 1 February 2021, this greyhound required veterinary attention due to the serious leg injury it had suffered, and the removal of the bandage supporting the fractured right hock.
5. You did fail to exercise reasonable care and supervision of the greyhound by failing to seek veterinary attention until 1 February 2021, which resulted in the greyhound being subjected to unnecessary pain and suffering.
6. At the time of the relevant conduct described, it was an offence under Greyhounds Australasia Rule 106(2) (as then in force) to engage in the conduct described in particular 5.
7. 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(2));
 - 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(2)); 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(2)).

Charge No. 3 of 6

Greyhounds Australasia Rule **84A(1)**, as in force at the relevant time, which reads as follows:

(1) The person in charge of a greyhound must keep and retain records detailing all vaccinations, antiparasitics and medical treatments administered to a greyhound from the time the greyhound enters their care until the greyhound leaves their care and for a minimum of two (2) years. Such record of treatment must be produced for inspection when requested by a Steward or a person authorised by the Controlling Body. Any person responsible for a greyhound at the relevant time who fails to comply with any provision of this rule shall be guilty of an offence.

Particulars of the Charge being:

1. You were, at all relevant times, a trainer registered with Greyhound Racing Victoria (**GRV**) (Member No. 26918) and a person bound by the Greyhounds Australasia Rules and Local Racing Rules.
2. At all relevant times, you were the registered trainer for the greyhound, Coco Chum (VHEWW) and were responsible for the greyhound.

3. You did fail to keep and retain appropriate treatment records for Coco Chum (VHEWW), in that:
 - a. On 31 January 2021, you administered Diclofenac Sodium 25 to Coco Chum (VHEWW).
 - b. On 21 April 2021, upon a request from a Steward, you failed to produce treatment records due the laptop you recorded the information on, being frozen.
 - c. On 1 July 2021, you supplied the Stewards handwritten treatment records for three (3) greyhounds, including Coco Chum (VHEWW).
 - d. The handwritten records referred to in paragraph 3(c) failed to identify or detail the administration of the Diclofenac Sodium 25 detailed in paragraph 3(a).
4. At the time of the relevant conduct described, it was an offence under Greyhounds Australasia Rule 84A(1) (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 84A(1));
 - 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 84(1)); 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 84A(1)).

Charge No. 4 of 6

Greyhounds Australasia Rule **84A(2)**, as in force at the relevant time, which reads as follows:

(2) Each record of treatment kept in accordance with this rule must be made by midnight on the day on which the treatment was given and, as a minimum requirement, include the following information:

- a) Name of the greyhound;*
- b) Date and time of administration of the treatment;*
- c) Name of the treatment (brand name or active constituent);*
- d) Route of administration;*
- e) Amount given;*
- f) Name and signature of person or persons administering and/or authorising treatment.*

For the purposes of sub-rule (2), "day" means the 24-hour period from 12:01am to 12 midnight on any calendar day.

Particulars of the Charge being:

1. You were, at all relevant times, a trainer registered with Greyhound Racing Victoria (**GRV**) (Member No. 26918) and a person bound by the Greyhounds Australasia Rules and Local Racing Rules.
2. You were, at all relevant times, the registered trainer of the greyhound, Coco Chum (VHEWW).
3. On 1 July 2021, you supplied the Stewards handwritten treatment records for three (3) greyhounds, including Coco Chum (VHEWW).
4. The handwritten records referred to in paragraph 3 did not comply with the minimum required record keeping requirements, in that they failed to record:
 - a. the time of administration of the treatment;
 - b. amount given;
 - c. name and signature of person or persons administering and/or authorising treatment.
5. At the time of the relevant conduct described, it was an offence under Greyhounds Australasia Rule 84A(2) (as then in force) to engage in the conduct described in particular 4.
6. 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 84A(2));
 - 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 84(2)); 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 84A(2)).

Charge No. 5 of 6

Greyhounds Australasia Rule **86(p)**, as in force at the relevant time, which reads as follows:

A person (including an official) shall be guilty of an offence if that person –

(p) disobeys or fails to comply with the lawful order of a Steward or other person or body having official duties in relation to greyhound racing;

Particulars of the Charge being:

1. You were, at all relevant times, a trainer registered with Greyhound Racing Victoria (**GRV**) (Member No. 26918) and a person bound by the Greyhounds Australasia Rules and Local Racing Rules.
2. You failed to comply with the lawful order of a Steward in that:
 - a. On 23 April 2021, you were given a directions notice by a Steward to obtain clinical notes from Dr Des Fegan, Walnut Vet Clinic (including X-Rays and details of examination findings relating to the examination of Coco Chum (VHEWW) and subsequent euthanasia on 1 February 2021) and provide these clinical notes to the relevant Steward by 5pm on 30 April 2021.
 - b. You failed to provide the clinical notes relating to the greyhound, Coco Chum by 5pm on 30 April 2021 as required by the directions notice.
3. At the time of the relevant conduct described, it was an offence under Greyhounds Australasia Rule 86(p) (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(p));
 - 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(p)); 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(p)).

Charge No. 6 of 6

Greyhounds Australasia Rule **86(p)**, as in force at the relevant time, which reads as follows:

A person (including an official) shall be guilty of an offence if that person –

(p) disobeys or fails to comply with the lawful order of a Steward or other person or body having official duties in relation to greyhound racing;

Particulars of the Charge being:

1. You were, at all relevant times, a trainer registered with Greyhound Racing Victoria (**GRV**) (Member No. 26918) and a person bound by the Greyhounds Australasia Rules and Local Racing Rules.
2. You failed to comply with the lawful order of a Steward in that:
 - a. On 9 July 2021, you were given a directions notice by a Steward to obtain clinical notes from Dr Des Fegan, Walnut Vet Clinic (including X-Rays and details of examination findings relating to the examination of Coco Chum (VHEWW) and subsequent euthanasia on 1 February 2021) and provide these clinical notes to the relevant Steward by 5pm on 23 July 2021.
 - b. You failed to provide the clinical notes relating to the greyhound, Coco Chum by 5pm on 23 July 2021 as required by the directions notice.
3. At the time of the relevant conduct described, it was an offence under Greyhounds Australasia Rule 86(p) (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:
 - d. affect the previous operation of the Old Rules (including Rule 86(p));
 - e. 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(p)); or
 - f. 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(p)).

Pleas: Not Guilty to all charges

DECISION

1. Mr Guiseppe Girvasi at all material times was a registered public trainer and breeder of greyhounds and the trainer of the greyhound Coco Chum.
2. Coco Chum competed in Race 2 at Cranbourne on Saturday, 30 January 2021. During the race the greyhound sustained a fractured right hock. After the race, the on-course veterinarian, Dr De Silva, diagnosed a fracture to the right hock, which at the time was a closed fracture with no wound or bone protruding. Dr De Silva considered that an Xray of the hock needed to be performed in order to understand the severity of the injury and recommend appropriate treatment. Mr Girvasi asked for the dog to be euthanised, but

was persuaded to take the dog home with the bandage on the hock and with the benefit of pain killers, which should last for a day. He should then seek veterinary attention on Sunday, 31 January 2021. Subsequently, a Steward present at the Cranbourne meeting told Mr Girvasi that he could have until Monday, 1 February 2021 to obtain veterinary assistance.

3. Overnight on Saturday, 30 January 2021 or early in the morning of Sunday, 31 January 2021, the dog slipped out of a muzzle which had been placed on him by Mr Girvasi and tore off the bandage that was around his damaged hock. When Mr Girvasi saw the greyhound early in the morning on Sunday, 31 January 2021, the greyhound was squealing, in obvious pain. Mr Girvasi administered human medication pain relief, which appeared to him to ease the pain. By this time the dog's injured bone was protruding and, as Mr Girvasi admitted, the dog was in pain. It should have been taken to a veterinarian that morning. However, Mr Girvasi did not have a written agreement with a veterinarian for that person to be a 24 hour contact or to provide for an alternative 24 hour emergency service. That is a requirement for all registered greyhound trainers pursuant to section 4.2 of the Code of Practice for the keeping of racing greyhounds. The code is made under section 63AC of the *Domestic Animal Act 1994* (VIC).
4. Mr Girvasi relied on the leeway given to him by a Steward, who was not a veterinarian, to be permitted to wait until Monday, 1 February 2021 before taking the dog to a veterinarian. He also had difficulty in finding a veterinarian open on a Sunday in the local Cranbourne area. He made no attempt to find another veterinarian in the wider south-east Melbourne area. Given the change in circumstances of the greyhound and its obvious distress and discomfort on the Sunday morning, no reasonable person would continue to rely on the grace given to wait until Monday. When the dog was finally taken to a veterinarian on the Monday, he was euthanised.
5. Consequently, Stewards of Greyhound Racing Victoria ("GRV") have charged Mr Girvasi with two relevant animal welfare offences under the rules of greyhound racing as they stood at the relevant time and which are still capable of enforcement pursuant to the transitional provisions in Rule 2 of the current Greyhounds Australasia Rules ("GAR"). Mr Girvasi pleaded not guilty to those charges and to the other four charges referred to later in this decision.
6. The first charge is under the old GAR 106(1)(d), which proscribes the failure to provide a greyhound in one's care or custody with veterinary attention when necessary. We are comfortably satisfied that charge has been made out. On the morning of Sunday, 31 January 2021 it was critical to provide Coco Chum with necessary assistance, given the pain that the dog was in, as well as the fact that the bone was protruding from his skin. It is difficult to imagine a more serious need for veterinary assistance. To simply rely on

what had been said (before the bandage had been removed and before there was a protruding bone) about waiting until the Monday, and the lack of ease in finding a local veterinarian on Sunday, is nowhere near good enough. It was wrong to neglect the fact that veterinary assistance was required there and then due to a change in circumstances from the previous day. We find Mr Girvasi guilty on Charge 1. We accept the unchallenged opinion of Dr De Silva that follow up veterinary assistance was required by 31 January 2021 to ensure that the greyhound was provided with the necessary treatment.

7. Charge 2 is related to Charge 1, but is more serious in that it compels a registered person to take reasonable care to prevent a greyhound being subject to unnecessary pain and suffering under GAR 106(2). We are also comfortably satisfied that this charge is made out. Mr Girvasi did not take reasonable care to prevent Coco Chum from being subjected to unnecessary pain and suffering. According to Dr Silva, a protruding bone was an obvious sign that veterinary treatment was necessary to prevent pain and suffering. The human pain relief tablets were not appropriate for the pain being experienced by the dog. It was unlikely that they provided sufficient pain relief, given the absence of support for the limb by a bandage. As Dr De Silva concluded:

“Upon removal of the bandage supporting the fractured right hock, this greyhound required veterinary attention asap (sic) to avoid unnecessary pain and suffering”.

We find Mr Girvasi guilty on Charge 2.

8. In Charge 3, Mr Girvasi is charged with an offence under GAR 84A(1), which compels registered trainers to keep and retain treatment records for their greyhounds. We are comfortably satisfied that Mr Girvasi did not make a record of his administration of the human pain relief drug Diclofenac Sodium after administering that drug to the dog on 31 January 2021. He claims that the treatment was recorded on a laptop which was frozen when a Steward requested the records on 21 April 2021. We do not believe that a record on a laptop or otherwise was made concerning the treatment until a handwritten note of the treatment was provided to the Stewards on 1 July 2021. That note failed to give details regarding what the particular drug was or any detail required by GAR84A(1) to be recorded. We find Mr Givasi guilty on Charge 3.
9. Charge 4 is under GAR 84A(2), which at the time detailed the type of information required to be contained in a treatment book concerning each treatment administered to a greyhound. The notes provided by Mr Girvasi do not comply with the sub-rule. They are deficient in that they do not record the time of the administration of the treatment or the amount given and do not provide the name and signature of the person administering or authorising the treatment – that is, Mr Girvasi. We also find Mr Girvasi guilty on Charge 4.

10. GAR 86(p), as it stood, made it an offence to fail to comply with a lawful order of a Steward. On 23 April 2021, Mr Girvasi was directed by a Steward to obtain specific clinical notes from the veterinarian who euthanised the dog on 1 February 2021. Mr Girvasi failed to do so. He claimed that the veterinarian said that the Stewards should ask him for the materials themselves. That was not compliant with the Rules, but the circumstances of the non-compliance may be relevant to penalty. We are comfortably satisfied that the charge is made out and find Mr Girvasi guilty on Charge 5.
11. Charge 6 is also under GAR 86(p) as it then stood. It concerns the failure of Mr Girvasi to comply with a direction similar to that given in relation to Charge 5. This second direction was given on 9 July 2021. Mr Girvasi failed to comply with its terms for the same stated reason as applied to Charge 5. We find this charge proven and record that Mr Girvasi is guilty under Charge 6. We are comfortably satisfied as to his guilt, but, as with Charge 5, the reasons for his failure to comply concerning the alleged response of the veterinarian may be relevant to the question of penalty.
12. The Tribunal will hear from parties regarding the programming of a penalty hearing.

Mark Howard
Registrar, Victorian Racing Tribunal