

30 March 2023

DECISION

GREYHOUND RACING VICTORIA

and

JOSEPH ABELA

Date of hearings: 24 October 2022 and 7 December 2022

Panel: Judge John Bowman (Chairperson) and Mr Josh Bornstein.

Appearances: Ms Amara Hughes instructed by Ms Yana Podolskaya appeared on behalf of the Stewards.
Ms Stacey Corrigan represented Mr Joseph Abela.
Mr Angus Downing appeared as a witness.
Mr Gavin Goble appeared as a witness.
Ms Susan Abela appeared as a witness.

Charges and particulars:

Charge no. 1 of 9

Local Racing Rule 42.6 reads as follows:

LR42.6 Rehoming and notice requirements

- (a) *An Owner must make all reasonable efforts to avoid euthanasia of their greyhound by finding it a suitable long term home.*
- (b) *An Owner must provide the Board with at least 14 days but no more than 42 days, prior written notice, in the approved form, of an intention to euthanase a fit and healthy greyhound. For the avoidance of doubt, a notice under this sub-rule can only be lodged after the requirements of LR42.6(c) have been met.*

Minimum requirements for rehoming

- (c) *Without limiting LR42.6(a), actions that an Owner must take to find a suitable long term home for their greyhound include:*
- i. *a wind down of at least 28 days during which the Owner must ensure that:*

(ii) provide records and evidence kept under this rule to a Steward or authorised officer of the Board on request.

Serious offence to fail to comply with rehoming and notice requirements

(j) Failure to comply with LR42.6 is a Serious Offence.

Particulars of the Charge:

1. You are, and were at all relevant times, a public trainer and breeder, licensed by Greyhound Racing Victoria (Public trainer number 21) and a person bound by the Greyhounds Australasia Rules and Local Racing Rules.
2. You were at all relevant times the registered owner of greyhound 'Isabella Girl' (Ear Brand 'VDHAY', Microchip 956000003744876).
3. On 27 December 2017, the greyhound 'Isabella Girl' was euthanised at your request.
4. Prior to the euthanasia you did fail to;
 - i. Make satisfactory attempts to rehome the greyhound;
 - ii. Provide the Board with at least 14 days prior written notice, in the approved form, of an intention to euthanase a fit and healthy greyhound;
 - iii. Provide the greyhound with a wind down period of at least 28 days, during which the greyhound did not engage in any racing related activities, and genuine and daily efforts were made to socialise the greyhound to non-training and non-racing settings.

Charge no. 2 of 9

Local Racing Rule 42.9(a) reads as follows:

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

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

(b) within 24 hours of notification in accordance with LR 42.9(a) the Stewards or an authorised officer of the Board may direct that the Owner or person responsible for the greyhound release the body of the deceased greyhound to allow an autopsy to be performed by a registered veterinarian;

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

(i) via a veterinary clinic;

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

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

(d) within 7 days of the date that the body of the deceased greyhound is disposed of, the Owner or person responsible for the greyhound must notify the Board in the prescribed form of the method of disposal.

Particulars of the Charge:

1. You are, and were at all relevant times, a public trainer and breeder, licensed by Greyhound Racing Victoria (Public trainer number 21) and a person bound by the Greyhounds Australasia Rules and Local Racing Rules.
2. You were at all relevant times the registered owner of greyhound 'Isabella Girl' (Ear Brand 'VDHAY', Microchip 956000003744876).
3. On 27 December 2017, the greyhound 'Isabella Girl' was euthanised at your request.
4. You did not notify GRV of the greyhound's death until more than a year and half later; when Investigative Steward Simon Primrose asked you about the greyhound during a kennel inspection at your property; 81 Campbells Road, CLYDE VIC 3978, on 26 August 2019.
5. GRV did not receive a copy of the euthanasia certificate until 17 September 2020; more than 2.5 years after the greyhound was euthanised.

Charge no. 3 of 9

Local Racing Rule 42.6 reads as follows:

LR42.6 Rehoming and notice requirements

(a) An Owner must make all reasonable efforts to avoid euthanasia of their greyhound by finding it a suitable long term home.

(b) An Owner must provide the Board with at least 14 days but no more than 42 days, prior written notice, in the approved form, of an intention to euthanase a fit and healthy greyhound. For the avoidance of doubt, a notice under this sub-rule can only be lodged after the requirements of LR42.6(c) have been met.

Minimum requirements for rehoming

- (c) *Without limiting LR42.6(a), actions that an Owner must take to find a suitable long term home for their greyhound include:*
- i. *a wind down of at least 28 days during which the Owner must ensure that:*
 - (A) *the greyhound has not engaged in any racing related activities, including but not limited to) trialling, breaking, education, training or racing; and*
 - (B) *genuine and daily efforts have been made to socialise the greyhound to non-training and non-racing settings and environments, and*
 - ii. *after the end of the wind down period under LR42.6(c)(i), making at least one genuine attempt of each of the following:*
 - (A) *seek to re-home the greyhound with at least two appropriate third parties who are capable of ensuring the welfare and well-being of the greyhound, and*
 - (B) *seek the greyhound's admission to the Greyhound Adoption Program, and*
 - (C) *seek to rehome the greyhound's through at least one other animal adoption, re-homing or rescue agency.*
- (d) *For the avoidance of doubt, an Owner must ensure that wind down activities in LR42.6(c)(i) must continue throughout the period of notice required in LR42.6(b).*

Medical exception from rehoming and notice requirements

- (e) *LR 42.6(a) and LR42.6(b) do not apply if a registered veterinarian certifies, in the prescribed form, that the greyhound is suffering from an incurable condition or injury that causes significant pain or discomfort, or a marked reduction in quality of life.*

Legal exception from rehoming and notice requirements

- (f) *LR42.6(a) and LR42.6(b) do not apply if the greyhound is required to be euthanased to comply with law.*

Behavioural exception from rehoming requirements

- (g) *LR 42.6(c)(ii) does not apply if a registered veterinarian or other person approved by the Board certifies, in the prescribed form, that the greyhound is displaying significant behavioural characteristics that negatively impact on its suitability as a pet, including aggression towards humans or other animals.*

Extension of duration of notice

- (h) *Application for an extension to the duration of a notice under LR42.6(b) may be made at any time prior to the expiration of the notice, in the approved form. The Board or an authorised officer of the Board may grant or refuse an application for an extension.*

Evidence of rehoming requirements

(i) *An Owner must:*

(i) keep detailed records of their compliance with LR42.6, and

(ii) provide records and evidence kept under this rule to a Steward or authorised officer of the Board on request.

Serious offence to fail to comply with rehoming and notice requirements

(j) Failure to comply with LR42.6 is a Serious Offence.

Particulars of the Charge:

1. You are, and were at all relevant times, a public trainer and breeder, licensed by Greyhound Racing Victoria (Public trainer number 21) and a person bound by the Greyhounds Australasia Rules and Local Racing Rules.
2. You were at all relevant times the registered owner of greyhound 'My Echidna (Ear Brand 'VDHAV', Microchip 956000003738193).
3. On 14 September 2018, the greyhound 'My Echidna' was euthanised at your request.
4. Prior to the euthanasia you did fail to;
 - i. Make satisfactory attempts to rehome the greyhound;
 - ii. Provide the Board with at least 14 days prior written knowledge, in the approved form, of an intention to euthanase a fit and healthy greyhound;
 - iii. Provide the greyhound with a wind down period of at least 28 days, during which genuine and daily efforts were made to socialise the greyhound to non-training and non-racing settings.

Charge no. 4 of 9

Local Racing Rule 42.9(a) reads as follows:

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

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

(b) within 24 hours of notification in accordance with LR 42.9(a) the Stewards or an authorised officer of the Board may direct that the Owner or person responsible for the

greyhound release the body of the deceased greyhound to allow an autopsy to be performed by a registered veterinarian;

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

(i) via a veterinary clinic;

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

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

(d) within 7 days of the date that the body of the deceased greyhound is disposed of, the Owner or person responsible for the greyhound must notify the Board in the prescribed form of the method of disposal.

Particulars of the Charge:

1. You are, and were at all relevant times, a public trainer and breeder, licensed by Greyhound Racing Victoria (Public trainer number 21) and a person bound by the Greyhounds Australasia Rules and Local Racing Rules.
2. You were at all relevant times the registered owner of greyhound 'My Echidna (Ear Brand 'VDHAV', Microchip 956000003738193).
3. On 14 September 2018, the greyhound 'My Echidna' was euthanised at your request.
4. You did not notify GRV of the greyhound's death until 346 days later, when Investigative Steward Simon Primrose asked you about the greyhound during a kennel inspection at your property; 81 Campbells Road, CLYDE VIC 3978, on 26 August 2019.
5. GRV did not receive a copy of the euthanasia certificate until 21 January 2020; 494 days after the greyhound was euthanised.

Charge no. 5 of 9

Local Racing Rule 42.6 reads as follows:

LR42.6 Rehoming and notice requirements

(a) An Owner must make all reasonable efforts to avoid euthanasia of their greyhound by finding it a suitable long term home.

(b) An Owner must provide the Board with at least 14 days but no more than 42 days, prior written notice, in the approved form, of an intention to euthanase a fit and

healthy greyhound. For the avoidance of doubt, a notice under this sub-rule can only be lodged after the requirements of LR42.6(c) have been met.

Minimum requirements for rehoming

- (c) Without limiting LR42.6(a), actions that an Owner must take to find a suitable long term home for their greyhound include:*
- i. a wind down of at least 28 days during which the Owner must ensure that:
(A) the greyhound has not engaged in any racing related activities, including but not limited to) trialling, breaking, education, training or racing; and
(B) genuine and daily efforts have been made to socialise the greyhound to non-training and non-racing settings and environments, and*
 - ii. after the end of the wind down period under LR42.6(c)(i), making at least one genuine attempt of each of the following:
(A) seek to re-home the greyhound with at least two appropriate third parties who are capable of ensuring the welfare and well-being of the greyhound, and
(B) seek the greyhound's admission to the Greyhound Adoption Program, and
(C) seek to rehome the greyhound's through at least one other animal adoption, re-homing or rescue agency.*
- (d) For the avoidance of doubt, an Owner must ensure that wind down activities in LR42.6(c)(i) must continue throughout the period of notice required in LR42.6(b).*

Medical exception from rehoming and notice requirements

- (e) LR 42.6(a) and LR42.6(b) do not apply if a registered veterinarian certifies, in the prescribed form, that the greyhound is suffering from an incurable condition or injury that causes significant pain or discomfort, or a marked reduction in quality of life.*

Legal exception from rehoming and notice requirements

- (f) LR42.6(a) and LR42.6(b) do not apply if the greyhound is required to be euthanased to comply with law.*

Behavioural exception from rehoming requirements

- (g) LR 42.6(c)(ii) does not apply if a registered veterinarian or other person approved by the Board certifies, in the prescribed form, that the greyhound is displaying significant behavioural characteristics that negatively impact on its suitability as a pet, including aggression towards humans or other animals.*

Extension of duration of notice

- (h) Application for an extension to the duration of a notice under LR42.6(b) may be made at any time prior to the expiration of the notice, in the approved form. The Board or*

an authorised officer of the Board may grant or refuse an application for an extension.

Evidence of rehoming requirements

(i) An Owner must:

(i) keep detailed records of their compliance with LR42.6, and

(ii) provide records and evidence kept under this rule to a Steward or authorised officer of the Board on request.

Serious offence to fail to comply with rehoming and notice requirements

(j) Failure to comply with LR42.6 is a Serious Offence.

Particulars of the Charge:

1. You are, and were at all relevant times, a public trainer and breeder, licensed by Greyhound Racing Victoria (Public trainer number 21) and a person bound by the Greyhounds Australasia Rules and Local Racing Rules.
2. You were at all relevant times the registered owner of greyhound 'My Guardman' (Ear Brand 'VDHAQ', Microchip 956000003721699).
3. On 13 November 2018, the greyhound 'My Guardman' was euthanised at your request.
4. Prior to the euthanasia you did fail to;
 - i. Make satisfactory attempts to rehome the greyhound;
 - ii. Provide the Board with at least 14 days prior written knowledge, in the approved form, of an intention to euthanase a fit and healthy greyhound;
 - iii. Provide the greyhound with a wind down period of at least 28 days, during which genuine and daily efforts were made to socialise the greyhound to non-training and non-racing settings.

Charge no. 6 of 9

Local Racing Rule 42.9(a) reads as follows:

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

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

(b) within 24 hours of notification in accordance with LR 42.9(a) the Stewards or an authorised officer of the Board may direct that the Owner or person responsible for the greyhound release the body of the deceased greyhound to allow an autopsy to be performed by a registered veterinarian;

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

(i) via a veterinary clinic;

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

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

(d) within 7 days of the date that the body of the deceased greyhound is disposed of, the Owner or person responsible for the greyhound must notify the Board in the prescribed form of the method of disposal.

Particulars of the Charge:

1. You are, and were at all relevant times, a public trainer and breeder, licensed by Greyhound Racing Victoria (Public trainer number 21) and a person bound by the Greyhounds Australasia Rules and Local Racing Rules.
2. You were at all relevant times the registered owner of greyhound 'My Guardman' (Ear Brand 'VDHAQ', Microchip 956000003721699).
3. On 13 November 2018, the greyhound 'My Guardman' was euthanised at your request.
4. You did not notify GRV of the greyhound's death until 286 days later, when Investigative Steward Simon Primrose asked you about the greyhound during a kennel inspection at your property; 81 Campbells Road, CLYDE VIC 3978, on 26 August 2019.
5. GRV did not receive a copy of the euthanasia certificate until 21 January 2020; 434 days after the greyhound was euthanised.

Charge no. 7 of 9

Local Racing Rule 42.6 reads as follows:

LR42.6 Rehoming and notice requirements

(a) An Owner must make all reasonable efforts to avoid euthanasia of their greyhound by finding it a suitable long term home.

- (b) *An Owner must provide the Board with at least 14 days but no more than 42 days, prior written notice, in the approved form, of an intention to euthanase a fit and healthy greyhound. For the avoidance of doubt, a notice under this sub-rule can only be lodged after the requirements of LR42.6(c) have been met.*

Minimum requirements for rehoming

- (c) *Without limiting LR42.6(a), actions that an Owner must take to find a suitable long term home for their greyhound include:*
- i. *a wind down of at least 28 days during which the Owner must ensure that:*
 - (A) *the greyhound has not engaged in any racing related activities, including but not limited to) trialling, breaking, education, training or racing; and*
 - (B) *genuine and daily efforts have been made to socialise the greyhound to non-training and non-racing settings and environments, and*
 - ii. *after the end of the wind down period under LR42.6(c)(i), making at least one genuine attempt of each of the following:*
 - (A) *seek to re-home the greyhound with at least two appropriate third parties who are capable of ensuring the welfare and well-being of the greyhound, and*
 - (B) *seek the greyhound's admission to the Greyhound Adoption Program, and*
 - (C) *seek to rehome the greyhound's through at least one other animal adoption, re-homing or rescue agency.*
- (d) *For the avoidance of doubt, an Owner must ensure that wind down activities in LR42.6(c)(i) must continue throughout the period of notice required in LR42.6(b).*

Medical exception from rehoming and notice requirements

- (e) *LR 42.6(a) and LR42.6(b) do not apply if a registered veterinarian certifies, in the prescribed form, that the greyhound is suffering from an incurable condition or injury that causes significant pain or discomfort, or a marked reduction in quality of life.*

Legal exception from rehoming and notice requirements

- (f) *LR42.6(a) and LR42.6(b) do not apply if the greyhound is required to be euthanased to comply with law.*

Behavioural exception from rehoming requirements

- (g) *LR 42.6(c)(ii) does not apply if a registered veterinarian or other person approved by the Board certifies, in the prescribed form, that the greyhound is displaying significant behavioural characteristics that negatively impact on its suitability as a pet, including aggression towards humans or other animals.*

Extension of duration of notice

(h) Application for an extension to the duration of a notice under LR42.6(b) may be made at any time prior to the expiration of the notice, in the approved form. The Board or an authorised officer of the Board may grant or refuse an application for an extension.

Evidence of rehoming requirements

(i) An Owner must:

(i) keep detailed records of their compliance with LR42.6, and

(ii) provide records and evidence kept under this rule to a Steward or authorised officer of the Board on request.

Serious offence to fail to comply with rehoming and notice requirements

(j) Failure to comply with LR42.6 is a Serious Offence.

Particulars of the Charge:

1. You are, and were at all relevant times, a public trainer and breeder, licensed by Greyhound Racing Victoria (Public trainer number 21) and a person bound by the Greyhounds Australasia Rules and Local Racing Rules.
2. You were at all relevant times the registered owner of greyhound 'Sargent' (Ear Brand 'VDHAT', Microchip 956000003738763).
3. On 8 August 2019, the greyhound 'Sargent' was euthanised at your request.
4. Prior to the euthanasia you did fail to;
 - i. Make satisfactory attempts to rehome the greyhound.
 - ii. Provide the Board with at least 14 days prior written knowledge, in the approved form, of an intention to euthanase a fit and healthy greyhound.
 - iii. Provide the greyhound with a wind down period of at least 28 days, during which genuine and daily efforts were made to socialise the greyhound to non-training and non-racing settings.

Charge no. 8 of 9

Local Racing Rule 42.9(a) reads as follows:

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

(a) within 2 working days of the date of death (and prior to disposal of the body of the deceased greyhound), the Owner or person responsible for the greyhound must notify the Board in the prescribed form of the death of the greyhound and provide a veterinary

certificate of euthanasia where available (including, without limitation, the written certificate or letter referred to in LR 42.8);

(b) within 24 hours of notification in accordance with LR 42.9(a) the Stewards or an authorised officer of the Board may direct that the Owner or person responsible for the greyhound release the body of the deceased greyhound to allow an autopsy to be performed by a registered veterinarian;

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

(i) via a veterinary clinic;

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

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

(d) within 7 days of the date that the body of the deceased greyhound is disposed of, the Owner or person responsible for the greyhound must notify the Board in the prescribed form of the method of disposal.

Particulars of the Charge:

1. You are, and were at all relevant times, a public trainer and breeder, licensed by Greyhound Racing Victoria (Public trainer number 21) and a person bound by the Greyhounds Australasia Rules and Local Racing Rules.
2. You were at all relevant times the registered owner of greyhound 'Sargent' (Ear Brand 'VDHAT', Microchip 956000003738763)
3. On 8 August 2019, the greyhound 'Sargent' was euthanised at your request.
4. You did not notify GRV of the greyhound's death until 18 days later, when Investigative Steward Simon Primrose asked you about the greyhound during a kennel inspection at your property; 81 Campbells Road, CLYDE VIC 3978, on 26 August 2019.
5. GRV did not receive a copy of the euthanasia certificate until 21 January 2020.

Charge no. 9 of 9

Greyhounds Australasia Rule 86(o) reads as follows:

R86 Offences A person (including an official) shall be guilty of an offence if the person-

(o) has, in relation to a greyhound or greyhound racing, done a thing, or omitted to do a thing, which, in the opinion of the Stewards or the Controlling Body, as the case may be, is negligent, dishonest, corrupt, fraudulent or improper, or constitutes misconduct;

Particulars of the Charge:

1. You are, and were at all relevant times, a public trainer and breeder, licensed by Greyhound Racing Victoria (Public trainer number 21) and a person bound by the Greyhounds Australasia Rules and Local Racing Rules.
2. On nine (9) occasions between 20 September 2016 and 29 March 2019, you were responsible for greyhounds in your name as owner, being retired to you on FastTrack as 'pet-owner'.
3. At the time of these retirements, you did not intend to keep the greyhounds as pets. Rather, at the time each of these greyhounds was recorded on FastTrack as retired as your pet, you had already decided and in fact intended to have them euthanised. Specifically:
 - i. On 29 March 2019, greyhound 'Sargent' (Earbrand: VDHAT, Microchip: 956000003738763), was recorded on FastTrack as being retired as your pet. It was euthanised 132 days later, on 8 August 2019.
 - ii. On 26 October 2018, greyhound 'My Guardman' (Earbrand: VDHAQ, Microchip: 956000003721699), was recorded on FastTrack as being retired to you as a pet. It was euthanised 18 days later, on 13 November 2018.
 - iii. On 16 August 2018, greyhound 'My Echidna' (Earbrand: VDHAV, Microchip: 956000003738193), was recorded on FastTrack as being retired to you as a pet. It was euthanised 29 days later, on 14 September 2018.
 - iv. On 23 December 2017, greyhound 'Isabella Girl' (Earbrand: VDHAY, Microchip: 956000003744876), was recorded on FastTrack as being retired to you as a pet. It was euthanised 4 days later, on 27 December 2017.
 - v. On 23 February 2017, greyhound 'Gozo Man' (Earbrand: VDHAR, Microchip: 956000003746133), was recorded on FastTrack as being retired to you as a pet. It was euthanised 13 days later, on 8 March 2017.
 - vi. On 19 January 2017, greyhound 'Kercem Lee' (Earbrand: VDHAW, Microchip: 956000003667820), was recorded on FastTrack as being retired to you as a pet. It was euthanised 6 days later, on 25 January 2017.
 - vii. On 10 November 2016, greyhound 'Secret Man' (Earbrand: VDHAS, Microchip: 956000003725923), was recorded on FastTrack as being retired to you as a pet. It was euthanised 6 days later, on 16 November 2016.

- viii. On 20 September 2016, greyhound 'Maybe Girl' (Earbrand: VDHAX, Microchip: 956000003664332), was recorded on FastTrack as being retired to you as a pet. It was euthanised 51 days later, on 10 November 2016.
 - ix. On 19 January 2017, greyhound 'Sicem Kate' (Earbrand: VBB 1655, Microchip: 956000008234677), was recorded on FastTrack as being retired to you as a pet. It was euthanised; date unknown.
4. Retiring these greyhounds as 'pets' was untruthful because you did not have a genuine intention to keep them as pets at that time.
 5. In the opinion of the Investigative stewards, such action is dishonest, improper, and / or constitutes misconduct.

Pleas: Not guilty to all charges.

DECISION

Mr Joseph Abela, you have been found guilty of nine Charges. We would refer to our earlier decision in this regard.

Those Charges could be categorised as follows. Four are for breaches of LR 42.6. The Charges concern four greyhounds, namely *Isabella Girl*, *My Echidna*, *My Guardman* and *Sargent*. They relate to the failure to avoid the euthanasia of each of those dogs by finding each a suitable long-term home and to submit a Notice of Intention to Euthanise in each instance.

Charges of a breach of LR 42.9 (a) have also been laid and proven in respect of each of the same four dogs. These Charges are for a failure to notify GRV of the death of each greyhound and to provide a euthanasia certificate within two business days after each death.

Finally, you have been found guilty of a breach of GAR 86 (o). This could be summarised as engaging in dishonest behaviour and behaviour constituting misconduct by concealing the euthanasia of five other dogs and having them retired on FastTrack as pets.

Charges were not laid until 29 July 2022, although you had been interviewed in August 2019 and November 2020. Thus, these matters have been hanging over your head for a considerable time.

We would also make the following observation. Although you pleaded not guilty to all Charges, the hearing of them was conducted by you, and by Ms Corrigan on your behalf, more along the lines of an admission of guilt. There was no great dispute about the facts. We thank Ms Corrigan for her assistance.

Ms Hughes, on behalf of the Stewards, is seeking a penalty of a period of disqualification totalling 12 months. These are serious matters and it is no surprise that a penalty of such a nature is being sought. We say now that a central issue is whether the penalty imposed should be one of disqualification or suspension. Certainly, it should involve a period of absence from active participation in greyhound racing.

Ms Corrigan put before us a number of matters in your favour. You are 83 years of age. You have been involved in the industry as a trainer and breeder for 54 years. We note in passing that your Member Number is 21.

There is no suggestion that you have anything other than an excellent record. Certainly, there is no record of any offence of this nature or relating to animal welfare. Your record is outstanding, particularly bearing in mind your age and your decades of involvement.

In that regard, there is also no suggestion that in the present cases there was any cruelty or the like. It is not submitted that the dogs in question were euthenased by anyone other than a veterinary surgeon.

Indeed, a letter from the relevant veterinary surgeon has been put in evidence. It is from Dr Des Fegan, who is based at Cranbourne, and is dated 17 September 2020.

Dr Fegan made the following relevant observations. *Isabella Girl*, *My Echidna*, *My Guardman* and *Sargent* were from the same litter. They were highly strung and had highly aggressive traits. It would have been irresponsible for you to have allowed dogs with such fickle temperaments into the hands of inexperienced people. Further, the widely held view that all greyhounds should be rehomed after racing is a folly. The opinions of trainers who know their dogs very well should be respected.

A consent certificate signed by Dr Fegan, as the performer of the euthanasia, was provided for each dog. As stated and as we understand it, Dr Fegan's practice specialises in the treatment of greyhounds.

We bear in mind all of the above in respect of the Charges relating to the breaches of LR 42.6.

We turn now to the breaches of LR 42.9 (a). It is important that trainers keep themselves aware of their obligations relating to the providing of information to the Stewards. That is particularly so when issues of animal welfare are concerned.

Finally, there is the matter of Charge 9, which relates to breaches of GAR 86 (o). There is little excuse for your behaviour in this regard. The concealing of the euthanasia of five dogs and the provision on FastTrack of information to the effect that they had been retired as pets was deliberately misleading and dishonest. Issues of animal welfare are of critical importance. It is important that the Stewards be provided with accurate and timely information, and this is

particularly so when it comes to the euthanasia of greyhounds. GAR 86 (o) has a very important role to play in this regard.

An overall penalty of 12 months disqualification was sought by the Stewards. That period of disqualification effectively was advanced by them on a global basis, without allocating individual penalties for the separate offences. We are of the view that individual penalties for the various offences should be specified.

After lengthy consideration, ultimately we have concluded that the overall and total penalty should be one of suspension. Our view is that this was reprehensible conduct in an area of particular importance. We certainly regard the breaching of these Rules as being a serious matter. However, we have also taken the following matters into account:

- (i) Your impeccable record for in excess of 50 years.
- (ii) Your age of 83 years.
- (iii) The fact that, in relation to Charges 1, 3, 5 and 7, the euthanasing of the four dogs, you engaged Dr Fegan, a Veterinary Surgeon familiar with greyhounds. This is not a situation where you decided to put the dogs down yourself. You obtained the services of a Veterinary Surgeon with whom you had previously dealt and his report essentially supports your decision.
- (iv) Dr Fegan was familiar with the dogs in question and had “observed repeated aggressive behaviours” by them. In his report, he also referred to their “highly aggressive traits”.
- (v) For well in excess of half a century, greyhounds and greyhound racing have, been, and continue to be, a central and important part of your life. The type of complete removal from them which is almost always the consequence of disqualification would indeed be a severe penalty for you, particularly at your age.
- (vi) You live on a small two-acre property at Clyde and that is where your kennels, for five or six dogs, are located. It is also where you are the primary carer for your wife. With the assistance of your daughter, who lives at Cranbourne East, you look after the dogs. Having the dogs on your property is a very important part of your life.

Bearing all of the above in mind, we have come to the conclusion that the following penalties are appropriate:

- (i) On Charge 1, you are suspended for a period of 12 months.

- (ii) On each of Charges 3, 5 and 7, you are suspended for a period of 12 months, each concurrent with the penalty in Charge 1.
- (iii) On each of Charges 2,4,6 and 8, you are suspended for a period of 9 months, each concurrent with the penalty in Charge 1.
- (iv) Charge 9 also concerns the euthanasia of dogs, but it is a quite different and separate offence from Charges 1 – 8. It involves the wilful giving to the Stewards of false information concerning what had happened to five other dogs which had in fact been euthanased.

Your conduct in dishonestly recording your alleged intention to retain these greyhounds as pets deserves condemnation, involving, as it did, the flouting of this important Rule. Seeking to conceal the euthanasia of five dogs required calculated and dishonest conduct. It warrants an additional penalty and the industry should be made aware that conduct of this nature will not be tolerated.

There will be an additional penalty of suspension for three months, cumulative upon the penalty in Charge 1.

The bottom line is that you are suspended for a period of 15 months. The suspension shall start immediately.

Mark Howard
Registrar, Victorian Racing Tribunal

4 November 2022

DECISION**GREYHOUND RACING VICTORIA**

and

JOSEPH ABELA

- Date of hearing:** 24 October 2022
- Panel:** Judge John Bowman (Chairperson) and Mr Josh Bornstein.
- Appearances:** Ms Amara Hughes instructed by Ms Yana Podolskaya appeared on behalf of the Stewards.
Ms Stacey Corrigan represented Mr Joseph Abela.
Mr Angus Downing appeared as a witness.
Mr Gavin Goble appeared as a witness.
Ms Susan Abela appeared as a witness.

Charges and particulars:**Charge no. 1 of 9**

Local Racing Rule 42.6 reads as follows:

LR42.6 Rehoming and notice requirements

- (a) *An Owner must make all reasonable efforts to avoid euthanasia of their greyhound by finding it a suitable long term home.*
- (b) *An Owner must provide the Board with at least 14 days but no more than 42 days, prior written notice, in the approved form, of an intention to euthanase a fit and healthy greyhound. For the avoidance of doubt, a notice under this sub-rule can only be lodged after the requirements of LR42.6(c) have been met.*

Minimum requirements for rehoming

- (c) *Without limiting LR42.6(a), actions that an Owner must take to find a suitable long term home for their greyhound include:*
- i. *a wind down of at least 28 days during which the Owner must ensure that:*
(A) *the greyhound has not engaged in any racing related activities, including but not limited to) trialling, breaking, education, training or racing; and*
(B) *genuine and daily efforts have been made to socialise the greyhound to non-training and non-racing settings and environments, and*
 - ii. *after the end of the wind down period under LR42.6(c)(i), making at least one genuine attempt of each of the following:*

*(A) seek to re-home the greyhound with at least two appropriate third parties who are capable of ensuring the welfare and well-being of the greyhound, and
(B) seek the greyhound's admission to the Greyhound Adoption Program, and
(C) seek to rehome the greyhound's through at least one other animal adoption, re-homing or rescue agency.*

(d) For the avoidance of doubt, an Owner must ensure that wind down activities in LR42.6(c)(i) must continue throughout the period of notice required in LR42.6(b).

Medical exception from rehoming and notice requirements

(e) LR 42.6(a) and LR42.6(b) do not apply if a registered veterinarian certifies, in the prescribed form, that the greyhound is suffering from an incurable condition or injury that causes significant pain or discomfort, or a marked reduction in quality of life.

Legal exception from rehoming and notice requirements

(f) LR42.6(a) and LR42.6(b) do not apply if the greyhound is required to be euthanased to comply with law.

Behavioural exception from rehoming requirements

(g) LR 42.6(c)(ii) does not apply if a registered veterinarian or other person approved by the Board certifies, in the prescribed form, that the greyhound is displaying significant behavioural characteristics that negatively impact on its suitability as a pet, including aggression towards humans or other animals.

Extension of duration of notice

(h) Application for an extension to the duration of a notice under LR42.6(b) may be made at any time prior to the expiration of the notice, in the approved form. The Board or an authorised officer of the Board may grant or refuse an application for an extension.

Evidence of rehoming requirements

*(i) An Owner must:
(i) keep detailed records of their compliance with LR42.6, and
(ii) provide records and evidence kept under this rule to a Steward or authorised officer of the Board on request.*

Serious offence to fail to comply with rehoming and notice requirements

(j) Failure to comply with LR42.6 is a Serious Offence.

Particulars of the Charge:

1. You are, and were at all relevant times, a public trainer and breeder, licensed by Greyhound Racing Victoria (Public trainer number 21) and a person bound by the Greyhounds Australasia Rules and Local Racing Rules.
2. You were at all relevant times the registered owner of greyhound 'Isabella Girl' (Ear Brand 'VDHAY', Microchip 956000003744876).
3. On 27 December 2017, the greyhound 'Isabella Girl' was euthanised at your request.
4. Prior to the euthanasia you did fail to;
 - i. Make satisfactory attempts to rehome the greyhound;
 - ii. Provide the Board with at least 14 days prior written notice, in the approved form, of an intention to euthanase a fit and healthy greyhound;
 - iii. Provide the greyhound with a wind down period of at least 28 days, during which the greyhound did not engage in any racing related activities, and genuine and daily efforts were made to socialise the greyhound to non-training and non-racing settings.

Charge no. 2 of 9

Local Racing Rule 42.9(a) reads as follows:

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

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

(b) within 24 hours of notification in accordance with LR 42.9(a) the Stewards or an authorised officer of the Board may direct that the Owner or person responsible for the greyhound release the body of the deceased greyhound to allow an autopsy to be performed by a registered veterinarian;

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

(i) via a veterinary clinic;

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

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

(d) within 7 days of the date that the body of the deceased greyhound is disposed of, the Owner or person responsible for the greyhound must notify the Board in the prescribed form of the method of disposal.

Particulars of the Charge:

1. You are, and were at all relevant times, a public trainer and breeder, licensed by Greyhound Racing Victoria (Public trainer number 21) and a person bound by the Greyhounds Australasia Rules and Local Racing Rules.
2. You were at all relevant times the registered owner of greyhound 'Isabella Girl' (Ear Brand 'VDHAY', Microchip 956000003744876).
3. On 27 December 2017, the greyhound 'Isabella Girl' was euthanised at your request.
4. You did not notify GRV of the greyhound's death until more than a year and half later; when Investigative Steward Simon Primrose asked you about the greyhound during a kennel inspection at your property; 81 Campbells Road, CLYDE VIC 3978, on 26 August 2019.
5. GRV did not receive a copy of the euthanasia certificate until 17 September 2020; more than 2.5 years after the greyhound was euthanised.

Charge no. 3 of 9

Local Racing Rule 42.6 reads as follows:

LR42.6 Rehoming and notice requirements

- (a) An Owner must make all reasonable efforts to avoid euthanasia of their greyhound by finding it a suitable long term home.*

- (b) An Owner must provide the Board with at least 14 days but no more than 42 days, prior written notice, in the approved form, of an intention to euthanase a fit and healthy greyhound. For the avoidance of doubt, a notice under this sub-rule can only be lodged after the requirements of LR42.6(c) have been met.*

Minimum requirements for rehoming

- (c) Without limiting LR42.6(a), actions that an Owner must take to find a suitable long term home for their greyhound include:*
 - i. a wind down of at least 28 days during which the Owner must ensure that:*
 - (A) the greyhound has not engaged in any racing related activities, including but not limited to) trialling, breaking, education, training or racing; and*

- (B) genuine and daily efforts have been made to socialise the greyhound to non-training and non-racing settings and environments, and
- ii. after the end of the wind down period under LR42.6(c)(i), making at least one genuine attempt of each of the following:
- (A) seek to re-home the greyhound with at least two appropriate third parties who are capable of ensuring the welfare and well-being of the greyhound, and
- (B) seek the greyhound's admission to the Greyhound Adoption Program, and
- (C) seek to rehome the greyhound's through at least one other animal adoption, re-homing or rescue agency.
- (d) For the avoidance of doubt, an Owner must ensure that wind down activities in LR42.6(c)(i) must continue throughout the period of notice required in LR42.6(b).

Medical exception from rehoming and notice requirements

- (e) LR 42.6(a) and LR42.6(b) do not apply if a registered veterinarian certifies, in the prescribed form, that the greyhound is suffering from an incurable condition or injury that causes significant pain or discomfort, or a marked reduction in quality of life.

Legal exception from rehoming and notice requirements

- (f) LR42.6(a) and LR42.6(b) do not apply if the greyhound is required to be euthanased to comply with law.

Behavioural exception from rehoming requirements

- (g) LR 42.6(c)(ii) does not apply if a registered veterinarian or other person approved by the Board certifies, in the prescribed form, that the greyhound is displaying significant behavioural characteristics that negatively impact on its suitability as a pet, including aggression towards humans or other animals.

Extension of duration of notice

- (h) Application for an extension to the duration of a notice under LR42.6(b) may be made at any time prior to the expiration of the notice, in the approved form. The Board or an authorised officer of the Board may grant or refuse an application for an extension.

Evidence of rehoming requirements

- (i) An Owner must:
- (i) keep detailed records of their compliance with LR42.6, and
- (ii) provide records and evidence kept under this rule to a Steward or authorised officer of the Board on request.

Serious offence to fail to comply with rehoming and notice requirements

(j) Failure to comply with LR42.6 is a Serious Offence.

Particulars of the Charge:

1. You are, and were at all relevant times, a public trainer and breeder, licensed by Greyhound Racing Victoria (Public trainer number 21) and a person bound by the Greyhounds Australasia Rules and Local Racing Rules.
2. You were at all relevant times the registered owner of greyhound 'My Echidna (Ear Brand 'VDHAV', Microchip 956000003738193).
3. On 14 September 2018, the greyhound 'My Echidna' was euthanised at your request.
4. Prior to the euthanasia you did fail to;
 - i. Make satisfactory attempts to rehome the greyhound;
 - ii. Provide the Board with at least 14 days prior written knowledge, in the approved form, of an intention to euthanase a fit and healthy greyhound;
 - iii. Provide the greyhound with a wind down period of at least 28 days, during which genuine and daily efforts were made to socialise the greyhound to non-training and non-racing settings.

Charge no. 4 of 9

Local Racing Rule 42.9(a) reads as follows:

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

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

(b) within 24 hours of notification in accordance with LR 42.9(a) the Stewards or an authorised officer of the Board may direct that the Owner or person responsible for the greyhound release the body of the deceased greyhound to allow an autopsy to be performed by a registered veterinarian;

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

(i) via a veterinary clinic;

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

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

(d) within 7 days of the date that the body of the deceased greyhound is disposed of, the Owner or person responsible for the greyhound must notify the Board in the prescribed form of the method of disposal.

Particulars of the Charge:

1. You are, and were at all relevant times, a public trainer and breeder, licensed by Greyhound Racing Victoria (Public trainer number 21) and a person bound by the Greyhounds Australasia Rules and Local Racing Rules.
2. You were at all relevant times the registered owner of greyhound 'My Echidna (Ear Brand 'VDHAV', Microchip 956000003738193).
3. On 14 September 2018, the greyhound 'My Echidna' was euthanised at your request.
4. You did not notify GRV of the greyhound's death until 346 days later, when Investigative Steward Simon Primrose asked you about the greyhound during a kennel inspection at your property; 81 Campbells Road, CLYDE VIC 3978, on 26 August 2019.
5. GRV did not receive a copy of the euthanasia certificate until 21 January 2020; 494 days after the greyhound was euthanised.

Charge no. 5 of 9

Local Racing Rule 42.6 reads as follows:

LR42.6 Rehoming and notice requirements

(a) An Owner must make all reasonable efforts to avoid euthanasia of their greyhound by finding it a suitable long term home.

(b) An Owner must provide the Board with at least 14 days but no more than 42 days, prior written notice, in the approved form, of an intention to euthanase a fit and healthy greyhound. For the avoidance of doubt, a notice under this sub-rule can only be lodged after the requirements of LR42.6(c) have been met.

Minimum requirements for rehoming

(c) Without limiting LR42.6(a), actions that an Owner must take to find a suitable long term home for their greyhound include:

- i. a wind down of at least 28 days during which the Owner must ensure that:
(A) the greyhound has not engaged in any racing related activities, including but not limited to) trialling, breaking, education, training or racing; and*

- (B) genuine and daily efforts have been made to socialise the greyhound to non-training and non-racing settings and environments, and
- ii. after the end of the wind down period under LR42.6(c)(i), making at least one genuine attempt of each of the following:
- (A) seek to re-home the greyhound with at least two appropriate third parties who are capable of ensuring the welfare and well-being of the greyhound, and
 - (B) seek the greyhound's admission to the Greyhound Adoption Program, and
 - (C) seek to rehome the greyhound's through at least one other animal adoption, re-homing or rescue agency.
- (d) For the avoidance of doubt, an Owner must ensure that wind down activities in LR42.6(c)(i) must continue throughout the period of notice required in LR42.6(b).

Medical exception from rehoming and notice requirements

- (e) LR 42.6(a) and LR42.6(b) do not apply if a registered veterinarian certifies, in the prescribed form, that the greyhound is suffering from an incurable condition or injury that causes significant pain or discomfort, or a marked reduction in quality of life.

Legal exception from rehoming and notice requirements

- (f) LR42.6(a) and LR42.6(b) do not apply if the greyhound is required to be euthanased to comply with law.

Behavioural exception from rehoming requirements

- (g) LR 42.6(c)(ii) does not apply if a registered veterinarian or other person approved by the Board certifies, in the prescribed form, that the greyhound is displaying significant behavioural characteristics that negatively impact on its suitability as a pet, including aggression towards humans or other animals.

Extension of duration of notice

- (h) Application for an extension to the duration of a notice under LR42.6(b) may be made at any time prior to the expiration of the notice, in the approved form. The Board or an authorised officer of the Board may grant or refuse an application for an extension.

Evidence of rehoming requirements

- (i) An Owner must:
- (i) keep detailed records of their compliance with LR42.6, and
 - (ii) provide records and evidence kept under this rule to a Steward or authorised officer of the Board on request.

Serious offence to fail to comply with rehoming and notice requirements

(j) Failure to comply with LR42.6 is a Serious Offence.

Particulars of the Charge:

1. You are, and were at all relevant times, a public trainer and breeder, licensed by Greyhound Racing Victoria (Public trainer number 21) and a person bound by the Greyhounds Australasia Rules and Local Racing Rules.
2. You were at all relevant times the registered owner of greyhound 'My Guardman' (Ear Brand 'VDHAQ', Microchip 956000003721699).
3. On 13 November 2018, the greyhound 'My Guardman' was euthanised at your request.
4. Prior to the euthanasia you did fail to;
 - i. Make satisfactory attempts to rehome the greyhound;
 - ii. Provide the Board with at least 14 days prior written knowledge, in the approved form, of an intention to euthanase a fit and healthy greyhound;
 - iii. Provide the greyhound with a wind down period of at least 28 days, during which genuine and daily efforts were made to socialise the greyhound to non-training and non-racing settings.

Charge no. 6 of 9

Local Racing Rule 42.9(a) reads as follows:

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

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

(b) within 24 hours of notification in accordance with LR 42.9(a) the Stewards or an authorised officer of the Board may direct that the Owner or person responsible for the greyhound release the body of the deceased greyhound to allow an autopsy to be performed by a registered veterinarian;

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

(i) via a veterinary clinic;

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

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

(d) within 7 days of the date that the body of the deceased greyhound is disposed of, the Owner or person responsible for the greyhound must notify the Board in the prescribed form of the method of disposal.

Particulars of the Charge:

1. You are, and were at all relevant times, a public trainer and breeder, licensed by Greyhound Racing Victoria (Public trainer number 21) and a person bound by the Greyhounds Australasia Rules and Local Racing Rules.
2. You were at all relevant times the registered owner of greyhound 'My Guardman' (Ear Brand 'VDHAQ', Microchip 956000003721699).
3. On 13 November 2018, the greyhound 'My Guardman' was euthanised at your request.
4. You did not notify GRV of the greyhound's death until 286 days later, when Investigative Steward Simon Primrose asked you about the greyhound during a kennel inspection at your property; 81 Campbells Road, CLYDE VIC 3978, on 26 August 2019.
5. GRV did not receive a copy of the euthanasia certificate until 21 January 2020; 434 days after the greyhound was euthanised.

Charge no. 7 of 9

Local Racing Rule 42.6 reads as follows:

LR42.6 Rehoming and notice requirements

(a) An Owner must make all reasonable efforts to avoid euthanasia of their greyhound by finding it a suitable long term home.

(b) An Owner must provide the Board with at least 14 days but no more than 42 days, prior written notice, in the approved form, of an intention to euthanase a fit and healthy greyhound. For the avoidance of doubt, a notice under this sub-rule can only be lodged after the requirements of LR42.6(c) have been met.

Minimum requirements for rehoming

(c) Without limiting LR42.6(a), actions that an Owner must take to find a suitable long term home for their greyhound include:

- i. a wind down of at least 28 days during which the Owner must ensure that:
(A) the greyhound has not engaged in any racing related activities, including but not limited to) trialling, breaking, education, training or racing; and*

- (B) genuine and daily efforts have been made to socialise the greyhound to non-training and non-racing settings and environments, and
- ii. after the end of the wind down period under LR42.6(c)(i), making at least one genuine attempt of each of the following:
- (A) seek to re-home the greyhound with at least two appropriate third parties who are capable of ensuring the welfare and well-being of the greyhound, and
- (B) seek the greyhound's admission to the Greyhound Adoption Program, and
- (C) seek to rehome the greyhound's through at least one other animal adoption, re-homing or rescue agency.
- (d) For the avoidance of doubt, an Owner must ensure that wind down activities in LR42.6(c)(i) must continue throughout the period of notice required in LR42.6(b).

Medical exception from rehoming and notice requirements

- (e) LR 42.6(a) and LR42.6(b) do not apply if a registered veterinarian certifies, in the prescribed form, that the greyhound is suffering from an incurable condition or injury that causes significant pain or discomfort, or a marked reduction in quality of life.

Legal exception from rehoming and notice requirements

- (f) LR42.6(a) and LR42.6(b) do not apply if the greyhound is required to be euthanased to comply with law.

Behavioural exception from rehoming requirements

- (g) LR 42.6(c)(ii) does not apply if a registered veterinarian or other person approved by the Board certifies, in the prescribed form, that the greyhound is displaying significant behavioural characteristics that negatively impact on its suitability as a pet, including aggression towards humans or other animals.

Extension of duration of notice

- (h) Application for an extension to the duration of a notice under LR42.6(b) may be made at any time prior to the expiration of the notice, in the approved form. The Board or an authorised officer of the Board may grant or refuse an application for an extension.

Evidence of rehoming requirements

- (i) An Owner must:
- (i) keep detailed records of their compliance with LR42.6, and
- (ii) provide records and evidence kept under this rule to a Steward or authorised officer of the Board on request.

Serious offence to fail to comply with rehoming and notice requirements

(j) Failure to comply with LR42.6 is a Serious Offence.

Particulars of the Charge:

1. You are, and were at all relevant times, a public trainer and breeder, licensed by Greyhound Racing Victoria (Public trainer number 21) and a person bound by the Greyhounds Australasia Rules and Local Racing Rules.
2. You were at all relevant times the registered owner of greyhound 'Sargent' (Ear Brand 'VDHAT', Microchip 956000003738763).
3. On 8 August 2019, the greyhound 'Sargent' was euthanised at your request.
4. Prior to the euthanasia you did fail to;
 - i. Make satisfactory attempts to rehome the greyhound.
 - ii. Provide the Board with at least 14 days prior written knowledge, in the approved form, of an intention to euthanase a fit and healthy greyhound.
 - iii. Provide the greyhound with a wind down period of at least 28 days, during which genuine and daily efforts were made to socialise the greyhound to non-training and non-racing settings.

Charge no. 8 of 9

Local Racing Rule 42.9(a) reads as follows:

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

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

(b) within 24 hours of notification in accordance with LR 42.9(a) the Stewards or an authorised officer of the Board may direct that the Owner or person responsible for the greyhound release the body of the deceased greyhound to allow an autopsy to be performed by a registered veterinarian;

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

(i) via a veterinary clinic;

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

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

(d) within 7 days of the date that the body of the deceased greyhound is disposed of, the Owner or person responsible for the greyhound must notify the Board in the prescribed form of the method of disposal.

Particulars of the Charge:

1. You are, and were at all relevant times, a public trainer and breeder, licensed by Greyhound Racing Victoria (Public trainer number 21) and a person bound by the Greyhounds Australasia Rules and Local Racing Rules.
2. You were at all relevant times the registered owner of greyhound 'Sargent' (Ear Brand 'VDHAT', Microchip 956000003738763)
3. On 8 August 2019, the greyhound 'Sargent' was euthanised at your request.
4. You did not notify GRV of the greyhound's death until 18 days later, when Investigative Steward Simon Primrose asked you about the greyhound during a kennel inspection at your property; 81 Campbells Road, CLYDE VIC 3978, on 26 August 2019.
5. GRV did not receive a copy of the euthanasia certificate until 21 January 2020.

Charge no. 9 of 9

Greyhounds Australasia Rule 86(o) reads as follows:

*R86 Offences A person (including an official) shall be guilty of an offence if the person-
(o) has, in relation to a greyhound or greyhound racing, done a thing, or omitted to do a thing, which, in the opinion of the Stewards or the Controlling Body, as the case may be, is negligent, dishonest, corrupt, fraudulent or improper, or constitutes misconduct;*

Particulars of the Charge:

1. You are, and were at all relevant times, a public trainer and breeder, licensed by Greyhound Racing Victoria (Public trainer number 21) and a person bound by the Greyhounds Australasia Rules and Local Racing Rules.
2. On nine (9) occasions between 20 September 2016 and 29 March 2019, you were responsible for greyhounds in your name as owner, being retired to you on FastTrack as 'pet-owner'.
3. At the time of these retirements, you did not intend to keep the greyhounds as pets. Rather, at the time each of these greyhounds was recorded on FastTrack as retired as

your pet, you had already decided and in fact intended to have them euthanised. Specifically:

- i. On 29 March 2019, greyhound 'Sargent' (Earbrand: VDHAT, Microchip: 956000003738763), was recorded on FastTrack as being retired as your pet. It was euthanised 132 days later, on 8 August 2019.
 - ii. On 26 October 2018, greyhound 'My Guardman' (Earbrand: VDHAQ, Microchip: 956000003721699), was recorded on FastTrack as being retired to you as a pet. It was euthanised 18 days later, on 13 November 2018.
 - iii. On 16 August 2018, greyhound 'My Echidna' (Earbrand: VDHAV, Microchip: 956000003738193), was recorded on FastTrack as being retired to you as a pet. It was euthanised 29 days later, on 14 September 2018.
 - iv. On 23 December 2017, greyhound 'Isabella Girl' (Earbrand: VDHAY, Microchip: 956000003744876), was recorded on FastTrack as being retired to you as a pet. It was euthanised 4 days later, on 27 December 2017.
 - v. On 23 February 2017, greyhound 'Gozo Man' (Earbrand: VDHAR, Microchip: 956000003746133), was recorded on FastTrack as being retired to you as a pet. It was euthanised 13 days later, on 8 March 2017.
 - vi. On 19 January 2017, greyhound 'Kercem Lee' (Earbrand: VDHAW, Microchip: 956000003667820), was recorded on FastTrack as being retired to you as a pet. It was euthanised 6 days later, on 25 January 2017.
 - vii. On 10 November 2016, greyhound 'Secret Man' (Earbrand: VDHAS, Microchip: 956000003725923), was recorded on FastTrack as being retired to you as a pet. It was euthanised 6 days later, on 16 November 2016.
 - viii. On 20 September 2016, greyhound 'Maybe Girl' (Earbrand: VDHAX, Microchip: 956000003664332), was recorded on FastTrack as being retired to you as a pet. It was euthanised 51 days later, on 10 November 2016.
 - ix. On 19 January 2017, greyhound 'Sicem Kate' (Earbrand: VBB 1655, Microchip: 956000008234677), was recorded on FastTrack as being retired to you as a pet. It was euthanised; date unknown.
4. Retiring these greyhounds as 'pets' was untruthful because you did not have a genuine intention to keep them as pets at that time.
 5. In the opinion of the Investigative stewards, such action is dishonest, improper, and / or constitutes misconduct.

Pleas: Not guilty to all charges.

DECISION

Mr. Joseph Abela, you have pleaded “Not Guilty” to nine charges.

Four of these charges, namely charges numbered 1, 3, 5 and 7, relate to alleged breaches of LR 42.6 and could be summarised as follows – failing to make all reasonable efforts to avoid the euthanasia of specific greyhounds and to submit the required Notice of Intention to Euthanise in each instance. These greyhounds were, in order, Isabella Girl, My Echidna, My Guardman and Sargent.

Charges 2, 4, 6 and 8 involve the same four dogs and in the same sequence. They involve LR 42.9 (a) – the alleged failure to notify Greyhound Racing Victoria (“GRV”) of the death of each dog and to provide the euthanasia certificate within two days of the death.

Charge 9 concerns GAR 86 (o), which could be summarised for the purposes of the present case as prohibiting dishonest or improper behaviour constituting misconduct. It is alleged that you concealed the euthanasia of nine greyhounds by incorrectly having them retired on FastTrack as “pets”. These dogs included the four set out above, and also Sicem Kate, Maybe Girl, Secret Man, Kercem Lee and Gozo Man.

Ms Amara Hughes of Counsel appeared on behalf of the Stewards. Ms Stacey Corrigan appeared on your behalf. We thank each for their assistance and for the manner in which the respective cases were presented.

Whilst you pleaded “Not Guilty” to all charges, in relation to many aspects of the factual setting of Charges 1-8 there was little or no challenge. Your case centred more on your lack of knowledge, lack of computer skills and the like.

We say at the outset that we find that Charges 1-8 have been proven. That is so whether the applicable standard of proof is either absolute or strict liability, as argued by Ms Hughes, or is one of comfortable satisfaction on the balance of probabilities. We are satisfied that the Stewards have discharged the burden of proof.

The following are our reasons for so finding. They are not set out in order of weight or importance. In relation to Charges 1 to 8, the four dogs involved shall be referred to as “the euthanised dogs”.

Firstly, there is no dispute but that each of the euthanised dogs was so euthanised at your request and was so euthanised by Dr Desmond Fegan, Veterinary Surgeon.

Secondly, there is also no argument but that in so doing you did not take the steps necessary to meet the requirements as set out in LR 42.6. We find that you did not meet those requirements, nor those of LR 42.9 (a). It may well be that you were originally not aware of those requirements, but the fact of the matter is that you did not comply with them.

Thirdly, even if you were unaware of the requirements of the Rules, certain aspects of your relevant dealings with the Stewards were not satisfactory. They have the capacity to damage your credit.

You were the only owner of each of the four greyhounds the subject of the charges.

Isabella Girl last raced on 11 December 2018. The paperwork relevant to her retirement forwarded to GRV by you and dated 23 December 2018 indicated that she had retired “as a pet”. She was euthanised just four days later. The euthanasia certificate signed by Dr Fegan was not received by the Stewards until 17 September 2020. Apparently at no time was there any attempt by you to rehome Isabella Girl. You did not provide GRV with a Notice of Intention to Euthanise or comply with the requirements of LR 42.9 (a).

Much the same could be said in relation to My Echidna, which was retired “as a pet” on 16 August 2018 and euthanised on 14 September 2018. There is no suggestion of attempted rehoming. The original euthanasia certificate was received on 21 January 2020, but contained an error as to date (2013 instead of 2018). A corrected certificate was received on 17 September 2020. In each instance the certificate was provided by Dr Fegan, as was the case in relation to each of these dogs. Again, no Notice of Intention to Euthanise had been provided or the requirements of LR 42.9 met.

Much the same scenario occurred in the case of My Guardman. That dog was retired “as a pet” on 26 October 2018 and euthanised 18 days later on 13 November. There was no attempt at rehoming and a Notice of Intention to Euthanise was not forwarded. The same error occurred in relation to Dr Fegan’s certificate, the corrected version being received on 17 September 2020. Again, you did not provide a Notice of Intention to Euthanise and did not comply with the requirements of LR 42.9 (a).

The situation is a little more complicated in relation to Sargent. That dog was retired “as a pet” on 1 January 2019. Sargent was brought out of retirement for a short time, before being retired again on 29 March 2019. Apparently, as stated by you to the Stewards, when briefly brought out of retirement the dog would not chase and so was retired again. Ultimately the dog was euthanised on 8 August 2019. You consented to this.

There had been an attempt to rehome this greyhound in that a person working at Healesville had asked you to sell Sargent to him. We gather that the dog was still racing at this time. We refer to pages 14 and 15 of the transcript of your interview with Steward Mr Angus Downing

on 6 November 2020. In any event, nothing came of this. You stated that you would not sell the dog, but would give it to this person as a pet when the dog had finished racing. The other person, known only to you as “Jack”, ultimately did not want the dog.

In our opinion, the above does not constitute “all reasonable efforts” to find a suitable long-term home for Sargent, apart from the fact that the Required Notice of Intention to Euthanise was not submitted, there was no notification of GRV of the death of the greyhound and no euthanasia certificate provided within the prescribed time. Further, the requirements of LR 42.9 (a) were not satisfied.

We appreciate your age, your minimal education, your many years of involvement in greyhound racing and your excellent record. Whilst aspects of these may be relevant to a plea, they do not constitute a defence to these charges. As stated, we accept the evidence on behalf of the Stewards and find that Charges 1-8 have been proven.

Further, we find Charge 9 is also proven. Ms Hughes conceded that, insofar as GAR 86 (o) is concerned, absolute or strict liability do not operate. Proof of *mens rea* – a guilty mind – is necessary for the Charge to be made out. We must be comfortably satisfied that you deliberately breached the Rule. We are so satisfied.

We find that, in respect of each of the nine dogs specified, you wrongfully described the animal as having been retired to you as a pet. In fact each dog was euthanised by Dr Fegan and it was always your intention that this would happen. We refer in particular to the second interview, being that conducted by Mr Downing on 6 November 2020. At page 212 of the Full Brief of Evidence you stated to Mr Downing that what was on FastTrack was wrong and that the dogs were never pets. You repeated this on pages 213 and 215. We also refer to page 199.

The Stewards assert that, in relation to Charge 9, your conduct was improper, dishonest and constituted misconduct. We agree. It was never your intention to keep these animals as pets. The nearest that came to the truth was the discussion with the person, Jack, in relation to Sargent and his possibly taking the dog, but that was whilst it was still racing and nothing came of the discussion in any event.

Accordingly, we find that each of the nine charges has been proved. We find you guilty of each.

We shall hear the parties on the question of penalty on a date to be determined.

Mark Howard
Registrar, Victorian Racing Tribunal