

VICTORIAN CIVIL AND ADMINISTRATIVE TRIBUNAL

ADMINISTRATIVE DIVISION

REVIEW AND REGULATION LIST

VCAT REFERENCE NO. Z260/2024 & Z276/2024

CATCHWORDS

Review and Regulation List – registered greyhound trainer – breaches of greyhound racing rules – review of penalties imposed by Victorian Racing Tribunal – *Racing Act 1958* s 83 OH(1) – *Greyhounds Australasia Rules* 21(2), 156(f)(ii), 165(a)

Z260/2024

APPLICANT Ibrahim Kama
RESPONDENT Greyhound Racing Victoria

Z276/2024

APPLICANT Greyhound Racing Victoria Stewards

RESPONDENT Ibrahim Kama

WHERE HELD Melbourne

BEFORE E de Zilwa, Member

HEARING TYPE Hearing

DATE OF HEARING 27 June 2024

DATE OF ORDER 13 September 2024

CITATION Kama v Greyhound Racing Victoria (Review and Regulation) [2024] VCAT 832

ORDER

- 1 The Tribunal affirms the decision of the Victorian Racing Tribunal ('VRT') in respect of charges 1, 2, 3, 4 and 5.
- 2 The Tribunal varies the decision of the VRT in respect of charges 6, 7 and 8 by imposing a period of disqualification of Mr Kama for a period of four months; suspending two months of that disqualification for 24 months; and ordering that the two months effective disqualification be served concurrently with periods of disqualification imposed in respect of charges 1, 2, 3, 4 and 5.

E de Zilwa
Member



APPEARANCES:

For Ibrahim Kama

Mr I Kama in person

For Greyhound Racing Victoria Stewards

Mr A Pearce, solicitor

REASONS

Introduction

- 1 These two applications were heard together on 27 June 2024. In proceeding Z260/2024, Mr Ibrahim Kama is the applicant and Greyhound Racing Victoria is the respondent. In proceeding Z276/2024, Greyhound Racing Victoria Stewards ('GRV') is the applicant and Mr Kama is the respondent.
- 2 These applications each sought a review of a decision made in a hearing before the Victorian Racing Tribunal ('VRT'), held on 4 March 2024 in which Mr Kama faced eight charges brought against him under the Greyhounds Australasia Rules ('GAR'). He pleaded guilty to one charge and not guilty to seven charges. The VRT found him guilty of all charges and imposed a combination of penalties. He was disqualified from being a licensed greyhound trainer for an effective period of 12 months and was fined \$250. These penalties are detailed below.
- 3 Mr Kama was at all relevant times a trainer registered with GRV, being Member Number 308714, and is a person bound by the GAR and Local Racing Rules.
- 4 This matter came to the Tribunal under s 83OH(1) of the *Racing Act 1958 (Vic)*. The Tribunal has jurisdiction to conduct reviews only on the question of penalty. Clause 66N of Schedule 1 to the VCAT Act states -

66N Tribunal bound by findings of fact made by Victorian Racing Tribunal

Despite section 51, in determining a proceeding for review of a decision of the VRT under section 83OH in relation to a penalty imposed by the VRT, the Tribunal is bound by the findings of fact that were made by the VRT.
- 5 Mr Kama sought to reduce the penalties imposed on him. GRV, in its own application, sought to increase the penalties imposed on Mr Kama.
- 6 The Tribunal conducted a hearing by Zoom on 27 June 2024. Mr Kama represented himself and the GRV was represented by its solicitor, Mr Pearce.
- 7 The Tribunal has decided to affirm the majority of the penalties imposed by the VRT, with the exception of the penalties for charges 6, 7 and 8. For those charges the Tribunal has decided to vary the decision of the VRT by not imposing a fine, instead imposing a period of disqualification for four months, suspending two months of that period of disqualification for 24 months, and making the remaining two months disqualification concurrent with the periods of disqualification to be served under the other penalties imposed by the VRT.

The charges and relevant particulars

8 There are eight charges and they relate to three separate incidents on three different days.

The first incident – charges 1 and 2

9 The first incident occurred at The Meadows Greyhound Racetrack ('The Meadows') on 18 September 2023 and gave rise to charges 1 and 2.

10 Charge 1 alleged contravention of GAR 156(f)(ii), which reads as follows:

An offence is committed if a person (including an official):

- (f) has, in relation to a greyhound or greyhound racing, done something, or omitted to do something, which, in the opinion of a Controlling Body or the Stewards:
 - (ii) constitutes misconduct or is negligent or improper.

11 The relevant particulars, in summary form, of charge 1 are that:

- a. On 18 September 2023 Mr Kama attended The Meadows Greyhound Racetrack for a booked trial session.
- b. He was observed throwing the greyhound Unnamed against a metal shed wall causing a loud bang and the greyhound to yelp loudly.
- c. By doing so, Mr Kama did something in relation to a greyhound or greyhound racing, which, in the opinion of the Stewards, constitutes misconduct or is improper.

12 Charge 2 alleged contravention of GAR 165(a) which reads as follows:

An offence is committed if a person (including an official):

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

13 The relevant particulars, in summary form, of charge 2 are that:

- a. On 18 September 2023 Mr Kama attended The Meadows Greyhound Racetrack for a booked trial session.
- b. Mr Kama was observed throwing the greyhound Unnamed against a metal shed wall causing a loud bang and the greyhound to yelp loudly.
- c. This conduct was observed by a racetrack official and heard by other officials and a participant, and had the potential to be observed by members of the public.
- d. This conduct by Mr Kama was detrimental or prejudicial to the interest, welfare, image, control or promotion of greyhound racing.

The second incident – charges 3, 4 and 5

14 The second incident occurred at The Meadows on 3 February 2024 and gave rise to charges 3, 4 and 5.

15 Charge 3 alleged contravention of GAR 21(2) reads as follows:

21 Proper care for and welfare of greyhounds.

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

16 The relevant particulars, in summary form, of charge 3 are that:

- a. Mr Kama was at all relevant times a trainer registered with GRV and a person bound by the GAR and Local Racing Rules.
- b. At all relevant times, Mr Kama had the greyhound Angel Above in his care and custody.
- c. Mr Kama failed to exercise such reasonable care and supervision as was necessary to prevent Angel Above being subjected to unnecessary pain and suffering, or from anything which is likely to lead to unnecessary pain or suffering, in that Mr Kama threw Angel Above aggressively into a holding pen and kicked at the dog's rear with his right foot on Saturday 3 February 2024 at The Meadows slipping track.

17 Charge 4 alleged contravention of GAR 156 (f)(ii).

18 The relevant particulars, in summary form, of charge 4 are that -

- a. On 3 February 2023 Mr Kama attended The Meadows Greyhound Racetrack to use the club slipping track with the greyhound Angel Above.
- b. Mr Kama was observed on CCTV throwing Angel Above aggressively into a holding pen and kicking at his rear with his right foot.
- c. By engaging in that conduct Mr Kama did something in relation to a greyhound or greyhound racing, which, in the opinion of the Stewards, constituted misconduct or was improper.

19 Charge 5 alleged contravention of GAR 165(a).

20 The relevant particulars, in summary form, of charge 5 are that -

- a. On 3 February 2024 Mr Kama attended The Meadows Greyhound Racetrack to use the club slipping track with the greyhound Angel Above.

- b. Mr Kama was observed on CCTV throwing Angel Above aggressively into a holding pen and kicking at his rear with his right foot.
- c. That conduct occurred in an area that can be viewed by other participants and members of the public.
- d. Such conduct is detrimental or prejudicial to the interest, welfare, image, control or promotion of greyhound racing.

The third incident – charges 6, 7 and 8

21 The third incident occurred at the Geelong Greyhound Racetrack (Geelong) on 6 February 2024 and gave rise to charges 6, 7 and 8.

22 Charge 6 alleged contravention of GAR 21(2) which reads as follows –

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

23 The relevant particulars, in summary form, of charge 6 are that –

- (1) Mr Kama had the greyhound called Hidden Secrets in his care and custody.
- (2) Mr Kama failed to exercise such reasonable care and supervision as was necessary to prevent Hidden Secrets being subjected to unnecessary pain and suffering, or from anything which is likely to lead to unnecessary pain or suffering, in that -
 - a. On Tuesday 6 February 2024 Mr Kama went to Geelong Greyhound Racetrack with the greyhound Hidden Secrets intending to enter her in a satisfactory trial.
 - b. Prior to the trial taking place, Hidden Secrets underwent a veterinary examination by GRV veterinarian Dr Sarah Doornbusch who determined that the greyhound had muscle injuries in the rear limbs and muscle soreness. Mr Kama was informed that the greyhound was stood down and could not participate until it was reassessed in 28 days.
 - c. At around 7 pm Mr Kama was captured on CCTV footage attending the catching pen and retrieving greyhound Hidden Secrets. A short time later Mr Kama approached Raceday Steward James Jeffery and informed him that he had just trialed the greyhound in a club trial.
 - d. Mr Kama failed to follow medical advice that the greyhound was sore and injured and has run her in a club trial.

24 Charge 7 alleged contravention of GAR 156(f)(ii).

25 The relevant particulars, in summary form, of charge 7 are identical to those for charges 6 (a) to (d), but have an additional particular, namely that:

By engaging in that conduct, Mr Kama did something in relation to a greyhound or greyhound racing, which, in the opinion of the Stewards, constitutes misconduct or is improper.

26 Charge 8 alleged contravention of GAR 165(a).

27 The relevant particulars, in summary form, of charge 8 are also identical to those for charges 6 (a) to (d), but also has two additional particulars, namely that:

- e. The trial in which Hidden Secrets was engaged, whilst injured, could be viewed by other participants or members of the public.
- f. By trialling an injured greyhound in a place that could be viewed by other participants or members of the public, Mr Kama has engaged in conduct which is detrimental or prejudicial to the interest, welfare, image, control or promotion of greyhound racing.

The VRT penalties

28 The VRT imposed the following penalties.

- a. On charges 1 and 2: On each charge a penalty of 18 months disqualification to be served concurrently, with 6 months of such 18 month disqualification suspended for a period of 24 months.
- b. On charges 3, 4 and 5: Disqualification for 12 months on each charge, each such disqualification being concurrent with the penalties in charges 1 and 2.
- c. On charges 6, 7 and 8: A fine of \$250 on each charge, a total of \$750, of which \$500 is suspended for 24 months.

29 For Mr Kama, this effectively meant a penalty of 12 months disqualification and a fine of \$250, with further penalties, as set out above, suspended for a period of 24 months.

30 Mr Kama had sought a stay of all penalties in the VRT Decision in proceeding Z260/2024. On 2 May 2024 VCAT granted a stay of the \$750 in fines imposed by the VRT but refused to stay all other aspects of the VRT Decision.

The Rules

31 When considering penalties imposed for breaches of the GAR, it is helpful to consider the aims of the GAR. The statement of the GAR aims reads as follows:

The aims of the Greyhounds Australasia Rules

The aims of the greyhounds Australasia rules are to:

- (a) promote, enhance and protect the welfare of greyhounds;

- (b) regulate greyhound racing so that public confidence in its integrity is upheld;
- (c) provide for a level playing field and greater transparency in greyhound racing;
- (d) record the rules which, together with the local rules of controlling bodies, regulate greyhound racing in Australia and New Zealand; and
- (e) promote the long-term sustainability of greyhound racing in the conduct of it in a socially responsible manner.

32 Similarly, it is helpful to examine the context of the rules breached by Mr Kama when considering the penalties imposed on him.

33 Rule 8 assists with the interpretation of the rules, and, among other things, allows notes to the Rules to be used as an aid to the interpretation of the Rules.

34 Part 4 of the Rules is titled “Animal Welfare” and commences with a Note which relevantly includes-

Animal welfare is paramount in greyhound racing. The provisions of Part Four aim to enhance the welfare of greyhounds. They are not the only provisions in these rules which relate to animal welfare others can be found in Part Six, which includes rules in relation to breeding, and in Part Eight, which deals with prohibited substances and prohibited methods.

35 Part 4 contains Rule 21(2), which Mr Kama breached in respect of charges 3 and 6.

36 It is also helpful to read Rule 21(1) when considering Rule 21(2). Relevant parts of Rule 21(1) read as follows –

21 Proper care for and welfare of greyhounds

- (1) A person must ensure that any greyhound in the person's care or custody, is at all times provided with:
 - (a) proper and sufficient food, drink and protective apparel;
 - (b) proper exercise;
 - (c) kennels constructed and of a standard approved by a Controlling Body which are adequate in size and which are kept in a clean and sanitary condition;
 - (d) veterinary attention when necessary; and
 - (e) appropriate treatment for the greyhound if the person is in charge of a sick or injured greyhound.

37 Division 3 of the Rules relates to penalties. Rule 174 relevantly states-

Penalties

- (1) A Controlling Body or the Stewards may as they think fit penalise a person found guilty of an offence under the Rules by any one or a combination of the following penalties:
 - (a) a reprimand (sometimes known as a warning or caution);
 - (b) a fine not exceeding an amount specified in a relevant Act or the Rules in respect of any offence;
 - (c) suspension;
 - (d) disqualification;
 - (e) cancellation of a registration or a licence; or
 - (f) warning off.
- (3) Any part or portion of a penalty imposed may be suspended for a time and pursuant to conditions that a Controlling Body or the Stewards think fit.
- (4) If a person is disqualified . . .any registration or licence that the person holds with a Controlling Body is to be automatically cancelled.

38 Rule 176 states-

Cumulative penalties

If a person or greyhound:

- (a) is disqualified or suspended on any occasion for more than one period; or
 - (b) has been previously disqualified or suspended for any period and during that period is again disqualified or suspended,
- any period of disqualification or suspension other than the first, or any further period of disqualification or suspension is, if the Controlling Body or the Stewards so directs, to be cumulative.

Mr Kama's case

- 39 Mr Kama sought to have the penalties reduced. He sought to have the licence disqualifications reduced to suspensions. In support of this argument he said that he had been participating in the Greyhound racing industry for nearly 10 years. He said he had an impeccable record and had never been in trouble with GRV. He said he had always been respectful to others in the industry. This was the first offence with which he had been charged.
- 40 As evidence of his commitment to the Greyhound racing industry he told the Tribunal about establishing a social media page on Facebook in approximately January 2023 which now had 2900 members. The social media page was used to advertise things such as space in kennels and sale of dogs. He said in this way he helps a lot of people in the industry.
- 41 He said suspension of his licence would enable him to re-enter the industry immediately the period of suspension finished. He argued that by contrast

disqualification would mean starting again in the industry because he would have to repeat his courses and again acquire further training. He estimated this could involve a further 12 months beyond the period of disqualification already imposed. He argued this represented an effective doubling of the disqualification period.

- 42 He further argued that to allow the disqualification to stand would lock him out of his circle of friends and regular social contact with them because they were mainly people involved in the greyhound racing industry.
- 43 He said he was not a bad person and he referred to being affected by personal issues such as his father's ill-health and his brother's problems with addiction.
- 44 He also said that he was in a financially difficult position and he and his family had recently been evicted from the home they rented because they fell behind on payments of rent, but they had since found another rental property and were living in that.
- 45 Mr Kama said that the dog that was thrown was found to have been uninjured.
- 46 Mr Kama argued against any increase of penalties because he said the penalty already imposed is harsh enough.

The case for GRV

- 47 Mr Pearce for the GRV made several points by way of oral submission as well as relying on the written submissions in the Tribunal Book. These included submissions that -
 - a. The findings of the VRT about the conduct of Mr Kama raised serious animal welfare matters.
 - b. The alternative penalty proposed by Mr Kama was a suspension rather than disqualification. If the penalty was changed to suspension, that would allow immediate re-entry to the industry without any continuing oversight of Mr Kama's activities, once the period of suspension was completed.
 - c. By contrast, disqualification allows an oversight mechanism to control re-entry to the industry.
 - d. The charges underlying the third incident were sufficiently serious to warrant disqualification for 6 months, not a fine. The veterinarian found the injuries to the greyhound were significant enough to require a stand down of 28 days. The opinion of the veterinarian was an expert opinion and came from a person who had a position of authority because of her expertise. This opinion should have been respected, but Mr Kama chose to ignore it.
 - e. Mr Kama was effectively on notice since the first incident in September 2023 but misconducted himself on two subsequent

occasions in February 2024. This showed that even by the time of the third incident, Mr Kama was showing limited insight, and not much remorse for his conduct. This is relevant in terms of specific deterrence of such misconduct in the future.

- f. Continued misconduct shows disregard for the authority of the stewards, and a lack of regard for animals. Mr Kama cannot vent his frustration on the greyhounds he is training.

48 Mr Pearce also argued that the penalties should be concurrent on the charges that gave rise to the individual incidents but should be cumulative on each of the incidents themselves, because the incidents are disconnected from each other, though the totality of the period of disqualification should be taken into account. He said the factual background of each incident is different from each other incident.

49 Mr Pearce said the penalties should be:

- a. For charges 1 and 2 – 18 months disqualification for each charge but the disqualifications to be concurrent.
- b. For charges 3, 4 and 5 – 12 months disqualification for each charge. These disqualifications should be concurrent with each other but cumulative with penalties for charges 1 and 2.
- c. For charges 6, 7 and 8 – six months disqualification for each charge. These disqualifications should also be concurrent with each other but cumulative with the penalties for the other charges.
- d. This would be an effective penalty of disqualification for 36 months.

VRT Findings of Fact

50 The Tribunal was also referred to the findings of fact by the VRT.

51 Findings of fact in relation to charges 1 and 2, include that on 18 September 2023, Mr Kama, when attempting to catch and control a dog, ultimately caught the dog, picked it up, went behind the boxes, and threw the dog into a wall, a distance of 2 or 3 metres behind the boxes. This was done with sufficient force to make a loud metallic bang and caused the dog to yelp loudly.

52 Charges 3, 4 and 5 relate to events on 3 February 2024. These charges originally covered two dogs. The findings of fact by the VRT relate to a single dog called Angel Above. The findings establish that Mr Kama put the dog into a holding pen at the slipping track in a rough and hasty way. They further establish that Mr Kama then kicked at the dog when it was in the pen. The findings state that it was inevitable that some contact was made in that confined space.

53 Charges 6, 7 and 8, relate to events on 6 February 2024 which took place at the Geelong Greyhound racetrack. Relevant findings of fact made by the

VRT include that, despite being told by a GRV veterinary surgeon that a dog could not compete in a trial because of muscle injuries and soreness, a short time later Mr Kama placed the dog in a trial. In doing so Mr Kama failed to follow the veterinary advice given and trialed the dog.

- 54 As noted above, Mr Kama pleaded guilty at the VRT hearing to charge 8.
- 55 At the time of the VRT hearing, Mr Kama was 32 years old, single and had some members of his family dependent on his income. His sole source of income was from training greyhounds. He has been a licensed public trainer since 2020 and involved in the industry since 2014.
- 56 The VRT found that Mr Kama has an otherwise excellent record, with no offence of any magnitude alleged against him.
- 57 The VRT also accepted that no injury of any significance was suffered by the dogs.

Consideration

- 58 In seeking a reduction of the penalties, Mr Kama referred to several facts about his personal circumstances. Many of these had been considered by the VRT. I have no reason to doubt Mr Kama's honesty in relation to any of the facts that he put to this Tribunal. I also have no doubt that Mr Kama is an honest and sincere man.
- 59 However, Mr Kama's honesty and previously non-violent demeanour are not in issue.
- 60 For the purposes of general deterrence, the Tribunal accepts that it is most important to the continued successful operation of the greyhound racing industry that greyhounds themselves are protected from any physical harm. The Tribunal accepts that part of the responsibility for protecting greyhounds rests on the shoulders of those who are licensed to participate in the industry. Any failure on the part of those people can lead to harm being suffered by greyhounds, and undermines the reputation of the industry. Such failure needs to be identified and penalised.
- 61 For the purposes of specific deterrence, the Tribunal accepts that Mr Kama has been an honest and well-behaved licensed trainer since 2020, and a participant in the industry for six years before that. However, the findings of fact by the VRT show that on three occasions Mr Kama failed to act in a way that would meet expectations within the industry to protect greyhounds from physical harm. Unfortunately, despite years of good conduct as a person licensed within the greyhound racing industry, Mr Kama's identified failures in protecting greyhounds from physical harm need to be penalised, especially because he was found to have caused harm, or risked causing harm, to greyhounds.
- 62 The Tribunal accepts that on the face of it, these three incidents were an aberration by Mr Kama from the way in which he has behaved previously. However, this was not a single incident. There were multiple incidents and

Mr Kama should have been aware at the time of the second and third incident that his behaviour was under investigation in relation to the first incident. This must increase the level of his culpability for his wrongdoing.

- 63 Mr Kama did not offer the Tribunal an explanation of why he did what did on those three occasions.
- 64 In relation to charges 6, 7 and 8, the Tribunal notes that veterinary assessments are intended to protect greyhounds. The expert opinion of the veterinarian in this instance was that the greyhound Hidden Secrets needed 28 days to recover from muscle injuries in the rear limbs and muscle soreness.
- 65 Veterinary assessments are based on recognised professional training and expertise. Such assessments are made for the well-being of greyhounds. Veterinarians are independent when exercising judgment and giving professional advice. They have an important role to play in the greyhound industry. Their assessments and advice must be respected, and their directions must be followed. Not only is it in the interests of the greyhounds for this to be done, but also in the interests of the greyhound racing industry as a whole.
- 66 Mr Kama chose to disregard the opinion of the veterinarian. By doing so, he consciously chose to expose the greyhound to risk of pain and suffering. He told the Tribunal he respected everyone involved in the industry. However, on that occasion, he failed to respect the opinion of Dr Doornbusch and follow her direction.
- 67 The Tribunal was referred to two cases by Mr Pearce for the respondent. The first case was *Huntington v Greyhound Racing Appeals and Disciplinary Board*¹. This case is popularly referred to as ‘Keel’s case’ which was the name of the joined party and was a decision of Judge Harbison.
- 68 Her honour said in respect of Mr Keel that -
- Some period of disqualification is in my view appropriate having regard to the serious nature of this offence and the need to send a clear message to the industry that this behaviour will not be tolerated. Each greyhound trainer is responsible for the welfare of the dogs in his or her charge. They are not moneymaking objects – they are defenceless living beings and the community expects that they will be treated with compassion and care, in private and in public.²
- 69 Her honour also said, ‘those who by their actions bring the greyhound industry into public disrepute should not expect to be able to continue in industry undisturbed’³.

¹ [2016] VCAT 346.

² [2016] VCAT 346 at [61].

³ Ibid at [63].

- 70 The second case Mr Pearce referred to is known as *'Kent's case'*. This case is a 'Stewards Investigation/ Hearing Report' dated 19 December 2014. Mr Kent had been charged with a breach of GRA 86(q). This case is factually similar to the present case because Mr Kent was found to have thrown a dog over a fence. Apparently there were several witnesses to this incident and Mr Kent did not appear at the inquiry. The stewards 'found Mr Kent guilty as charged and disqualified his licence for a period of five years.'
- 71 An important point which distinguishes Mr Kent's case from Mr Kama's situation is that Mr Kent did not participate in the proceedings against him. By contrast, Mr Kama has participated in the VRT proceedings and in proceedings before VCAT.
- 72 The Tribunal sees no need to vary the penalties imposed by the VRT for charges 1, 2, 3, 4 and 5.
- 73 The Tribunal is satisfied that those penalties adequately condemn Mr Kama's behaviour, which constituted misconduct and was improper. The Tribunal is satisfied that those penalties serve to punish his conduct, which was detrimental or prejudicial to the interest, welfare, image, control or promotion of greyhound racing. They are already towards the higher end of penalties contained in Rule 174. To increase those penalties would be harsh and unfair to Mr Kama.
- 74 Similarly, the Tribunal is satisfied that to make those penalties cumulative rather than concurrent, would also be unduly harsh and unfair to Mr Karma.
- 75 The Tribunal does see a need to vary the penalties imposed for charges 6, 7 and 8.
- 76 Because of the seriousness of disregarding the veterinarian's opinion, and risking further injury to the greyhound, the GRV sought a six month period of disqualification for charges 6, 7 and 8. While agreeing with the need to uphold the significance of veterinary opinion, the Tribunal feels disqualification for a period of six months is too harsh a penalty for Mr Kama.
- 77 The Tribunal recognises that Mr Kama has been of generally good character for the many years that he has been involved in the greyhound industry and that this is the first time he has faced disciplinary charges. He should be given some credit for that good record but his conduct in disregarding veterinary advice deserves more than a fine. The Tribunal respectfully disagrees with the VRT that charges 6, 7 and 8 are 'of lesser magnitude'. The Tribunal, however, notes that the VRT also found that 'no injury of any significance was suffered by the dogs in involved in the present case'.
- 78 In light of these considerations, the Tribunal will impose a four month disqualification for charges 6, 7 and 8, but suspend two months of that disqualification for 24 months, and order that the two months' effective disqualification be concurrent with the period of disqualification imposed on the other charges.

Penalty

- 79 The Tribunal affirms the decision of the VRT in respect of charges 1, 2, 3, 4 and 5.
- 80 The Tribunal varies the decision of the VRT in respect of charges 6, 7 and 8 by imposing a disqualification of Mr Kama for a period of four months but suspending two months of that disqualification for 24 months. This period of disqualification for charges 6, 7 and 8 is to be concurrent with the existing disqualification.

E de Zilwa
Member

26 March 2024

DECISION

GREYHOUND RACING VICTORIA

and

IBRAHIM KAMA

Date of hearing: 4 March 2024

Panel: Judge John Bowman (Chairperson), Dr Andrew Gould and Mr Des Gleeson.

Appearances: Ms Amara Hughes, instructed by Mr Anthony Pearce, appeared on behalf of the Stewards.
Mr Ibrahim Kama represented himself.
Mr Lachlan Gough appeared as a witness.
Ms Amber Knapp appeared as a witness.
Mr Ibrahim Kama appeared as a witness.

Charges and particulars:

Charge No. 1 of 8

Greyhounds Australasia Rule **156 (f) (ii)**, reads as follows:

An offence is committed if a person (including an official):

(f) has, in relation to a greyhound or greyhound racing, done something, or omitted to do something, which, in the opinion of a Controlling Body or the Stewards:

(ii) constitutes misconduct or is negligent or improper

Particulars of the Charge being:

1. You were, at all relevant times, a trainer registered with Greyhound Racing Victoria (**GRV**) (Member No. 308714) and a person bound by the Greyhounds Australasia Rules and Local Racing Rules.
2. On 18 September 2023, you attended The Meadows Greyhound Racetrack for a booked Trial session.
3. You were observed throwing the greyhound “Unnamed” (VLKRO) against a metal shed wall causing a loud bang and the greyhound to yelp loudly.
4. By throwing the greyhound “Unnamed” (VLKRO) against a metal shed wall, causing a loud bang and the greyhound to yelp loudly, you have done something in relation to a greyhound or greyhound racing, which, in the opinion of the Stewards, constitutes misconduct or is improper.

Charge No. 2 of 8

Greyhounds Australasia Rule **165(a)**, reads as follows:

An offence is committed if a person (including an official):

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

Particulars of the Charge being:

1. You were, at all relevant times, a trainer registered with Greyhound Racing Victoria (**GRV**) (Member No. 308714) and a person bound by the Greyhounds Australasia Rules and Local Racing Rules.
2. On 18 September 2023, you attended The Meadows Greyhound Racetrack for a booked Trial session.
3. You were observed throwing the greyhound “Unnamed” (VLKRO) against a metal shed wall causing a loud bang and the greyhound to yelp loudly.
4. The above conduct was observed by a racetrack official and heard by other officials and a participant, and had the potential to be observed by members of the public.

5. Your conduct towards the greyhound “Unnamed” (VLKRO), which was observed and/or heard by industry officials and a participant, and potentially by members of the public, is detrimental or prejudicial to the interest, welfare, image, control or promotion of greyhound racing.

Charge No. 3 of 8

Greyhounds Australasia Rule **21 (2)** which reads as follows:

21 Proper care for and welfare of greyhounds

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

Particulars of the Charge being:

1. You were, at all relevant times, a trainer registered with Greyhound Racing Victoria (**GRV**) (Member No. 308714) and a person bound by the Greyhounds Australasia Rules and Local Racing Rules.
2. At all relevant times, you had the greyhounds, Hidden Secrets (Black Bitch NJDAY - Kennel name Grace) and Angel Above (Black and White Dog NLCNY - Kennel name Zac) in your care and custody.
3. You failed to exercise such reasonable care and supervision as was necessary to prevent the abovementioned greyhounds being subjected to unnecessary pain and suffering, or from anything which is likely to lead to unnecessary pain or suffering, in that;
 - I. You threw “Angel Above” aggressively into a holding pen and kicked at his rear with your right foot on Saturday 3 February 2024 at the Meadows slipping track.
 - II. You handled “Hidden Secrets” aggressively in the slipping track at the Meadows on the 3 February 2024 by hitting her across her snout with your right hand and hitting her twice with a muzzle across her snout.

Charge No. 4 of 8

Greyhounds Australasia Rule **156 (f) (ii)**, reads as follows:

An offence is committed if a person (including an official):

(f) has, in relation to a greyhound or greyhound racing, done something, or omitted to do something, which, in the opinion of a Controlling Body or the Stewards:

(ii) constitutes misconduct or is negligent or improper

Particulars of the Charge being:

1. You were, at all relevant times, a trainer registered with Greyhound Racing Victoria (**GRV**) (Member No. 308714) and a person bound by the Greyhounds Australasia Rules and Local Racing Rules.
2. On 3 February 2024, you attended The Meadows Greyhound Racetrack to use the club slipping track with the greyhounds, Hidden Secrets (Black Bitch NJDAY - Kennel name Grace) and Angel Above (Black and White Dog NLCNY - Kennel name Zac).
3. You were observed on CCTV throwing "Angel Above" aggressively into a holding pen and kicked at his rear with your right foot. You were also observed handling "Hidden Secrets" aggressively in the slipping track by hitting her across her snout with your right hand and hitting her twice with a muzzle across her snout.
4. By engaging in the above conduct you have done something in relation to a greyhound or greyhound racing, which, in the opinion of the Stewards, constitutes misconduct or is improper.

Charge No. 5 of 8

Greyhounds Australasia Rule **165(a)**, reads as follows:

An offence is committed if a person (including an official):

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

Particulars of the Charge being:

1. You were, at all relevant times, a trainer registered with Greyhound Racing Victoria (**GRV**) (Member No. 308714) and a person bound by the Greyhounds Australasia Rules and Local Racing Rules.
2. On 3 February 2024, you attended The Meadows Greyhound Racetrack to use the club slipping track with the greyhounds, Hidden Secrets (Black Bitch NJDAY - Kennel name Grace) and Angel Above (Black and White Dog NLCNY - Kennel name Zac).
3. You were observed on CCTV throwing "Angel Above" aggressively into a holding pen and kicked at his rear with your right foot. You were also observed handling "Hidden Secrets" aggressively in the slipping track by hitting her across her snout with your right hand and hitting her twice with a muzzle across her snout.
4. The above conduct occurred in an area that can be viewed by other participants and members of the public.
5. Your conduct on 3 February 2024 at the Meadows slipping track, that was captured on CCTV footage and could be viewed by other participants or members of the public, is detrimental or prejudicial to the interest, welfare, image, control or promotion of greyhound racing.

Charge No. 6 of 8

Greyhounds Australasia Rule **21 (2)** reads as follows:

21 Proper care for and welfare of greyhounds

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

Particulars of the Charge being:

1. You were, at all relevant times, a trainer registered with Greyhound Racing Victoria (**GRV**) (Member No. 308714) and a person bound by the Greyhounds Australasia Rules and Local Racing Rules.
2. At all relevant times, you had the greyhound, a black bitch called Hidden Secrets (Kennel name Grace) (NJDAY) in your care and custody.

3. You failed to exercise such reasonable care and supervision as was necessary to prevent the abovementioned greyhound being subjected to unnecessary pain and suffering, or from anything which is likely to lead to unnecessary pain or suffering, in that;
 - I. On Tuesday 6 February 2024, you attended the Geelong Greyhound Racetrack with greyhound HIDDEN SECRET with the intention of entering her in a satisfactory trial.
 - II. Prior to the trail taking place, greyhound Hidden Secrets underwent a veterinary examination by GRV veterinarian Dr Sarah Doornbusch who determined that the greyhound had muscle injuries in the rear limbs and muscle soreness. You were informed that the greyhound was stood down and could not participate until it was reassessed in 28 days.
 - III. At around 7pm you were captured on CCTV footage attending the catching pen and retrieving greyhound Hidden Secrets. A short time later you approached Raceday Steward James Jeffery and informed him that you had just trialled the greyhound in a club trial.
 - IV. You failed to follow qualified medical advice that your greyhound was sore and injured and have run it in a club trail.

Charge No. 7 of 8

Greyhounds Australasia Rule **156 (f) (ii)**, reads as follows:

An offence is committed if a person (including an official):

(f) has, in relation to a greyhound or greyhound racing, done something, or omitted to do something, which, in the opinion of a Controlling Body or the Stewards:

(ii) constitutes misconduct or is negligent or improper

Particulars of the Charge being:

1. You were, at all relevant times, a trainer registered with Greyhound Racing Victoria (**GRV**) (Member No. 308714) and a person bound by the Greyhounds Australasia Rules and Local Racing Rules.

2. On Tuesday 6 February 2024, you attended the Geelong Greyhound Racetrack with Grace a black female greyhound with the registered name Hidden Secrets (NJDAY) with the intention of entering her in a satisfactory trial.
 - I. Prior to the trail taking place, greyhound Hidden Secrets underwent a veterinary examination by GRV veterinarian Dr Sarah Doornbusch who determined that the greyhound had muscle injuries in the rear limbs and muscle soreness. You were informed that the greyhound was stood down and could not participate until it was reassessed in 28 days.
 - II. At around 7pm you were captured on CCTV footage attending the catching pen and retrieving greyhound Hidden Secrets. A short time later you approached Raceday Steward James Jeffery and informed him that you had just trialed the greyhound in a club trial.
 - III. You failed to follow qualified medical advice that your greyhound was sore and injured and have run it in a club trail.
3. By engaging in the above conduct you have done something in relation to a greyhound or greyhound racing, which, in the opinion of the Stewards, constitutes misconduct or is improper.

Charge No. 8 of 8

Greyhounds Australasia Rule **165(a)**, reads as follows:

An offence is committed if a person (including an official):

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

Particulars of the Charge being:

1. You were, at all relevant times, a trainer registered with Greyhound Racing Victoria (**GRV**) (Member No. 308714) and a person bound by the Greyhounds Australasia Rules and Local Racing Rules.
2. On Tuesday 6 February 2024, you attended the Geelong Greyhound Racetrack with Grace a black female greyhound with the registered name Hidden Secrets (NJDAY) with the intention of entering her in a satisfactory trial.

- I. Prior to the trial taking place, greyhound Hidden Secrets underwent a veterinary examination by GRV vet Dr Sarah Doornbusch who determined that the greyhound had muscle injuries in the rear limbs and muscle soreness. You were informed that the greyhound was stood down and could not participate until it was reassessed in 28 days.
 - II. At around 7pm you were captured on CCTV footage attending the catching pen and retrieving greyhound Hidden Secrets. A short time later you approached Raceday Steward James Jeffery and informed him that you had just trialled the greyhound in a club trial.
 - III. You failed to follow qualified medical advice that your greyhound was sore and injured and have run it in a club trail.
3. The trial in which Hidden Secrets was engaged, whilst injured, could be viewed by other participants or members of the public.
 4. By trialling an injured greyhound at a place that can be viewed by other participants or members of the public, you have engaged in conduct which is detrimental or prejudicial to the interest, welfare, image, control or promotion of greyhound racing.

Pleas: Not Guilty to Charges 1 to 7
Guilty to Charge 8

DECISION

Mr Ibrahim Kama, you have been charged with eight breaches of Greyhounds Australasia Rules. You have pleaded “Not Guilty” to Charges 1 to 7 and “Guilty” to Charge 8.

We have heard and take into account your oral evidence, and the oral evidence of the Stewards’ witnesses, namely Mr Lachlan Gough, Meadows Club Staff Member and Ms Amber Knapp, Investigative Steward. We have also watched some video material and our attention has been drawn to a number of documents in the Stewards’ Brief of Evidence.

There is considerable duplication involved in the Charges. Charges 1 and 2 essentially involve an incident at the Meadows on 18 September 2023. Charge 3, 4 and 5 involve behaviour at the Meadows on 3 February 2024. Charges 6, 7 and 8 concern behaviour at the Geelong greyhound track on 6 February 2024. It is a case which may have been unnecessarily complicated by the pattern or manner in which the Charges were laid.

We turn now to the Charges. Charges 1 and 2 concern your behaviour in relation to a trial at the Meadows. The dog concerned was unnamed. After the trial, there was a problem in catching the dog, which had effectively returned beyond where it had started. With the assistance of Mr Gough, you were attempting to catch and control the dog in the vicinity of the boxes. The two of you effectively rounded up the dog in the immediate vicinity of the boxes. What happened next is in dispute.

We accept the evidence of Mr Gough, who was an impressive witness. We accept that you ultimately caught the dog, picked it up, went in behind the boxes with the dog, and threw it into the wall, a distance of two or three metres behind the boxes. This was with sufficient force to make a loud metallic bang and, as stated by Mr Gough, the dog yelped loudly. Mr Gough also gave evidence that you swore at the dog prior to throwing it into the wall.

We accept this sequence of events as described by Mr Gough. We find that Charges 1 and 2 are proven to our comfortable satisfaction.

We turn now to Charges 3, 4 and 5, which in turn embrace two incidents which occurred on 3 February 2024. Perhaps confusingly, each charge involves two dogs. The black dog's name was Hidden Secrets. The black and white dog was Angel Above.

The video footage is important to these two charges. We find that, in each instance, the Charges involving Hidden Secrets have not been made out.

The video footage does not disclose that any unnecessary pain or suffering or the likely occurrence of same. It does not disclose misconduct or negligent or improper conduct. It is far from entirely clear from the videos as to whether any contact that would satisfy the requirement of those Rules was made.

The same cannot be said in respect of your behaviour towards Angel Above. We are quite satisfied that you put the dog into a holding pen at the slipping track in a rough and hasty way. We are comfortably satisfied that you then kicked at the dog when it was in the pen. We think it inevitable that some contact was made in that confined space. This was a large kicking action prior to the pen being closed.

In short, we find that Charges 3, 4 and 5 have been made out, but only in respect of Angel Above.

We are also comfortably satisfied that Charges 6 and 7 have been made out. These Charges, as does Charge 8, to which you have pleaded guilty concern, your behaviour at the Geelong track on 6 February 2024, on which day trials were being conducted.

We accept that, despite being told by a GRV Veterinarian Surgeon that Hidden Secrets could not compete in a trial because of muscle injuries and soreness, you in fact placed Hidden Secrets in a trial. You failed to follow the medical advice given and trialled the dog.

Thus, there clearly seems to have been a breach of the Rules and Charges 6 and 7 have been proved to our comfortable satisfaction.

As stated, you have pleaded guilty to Charge 8 in relation to the same set of facts by reason of trialling an injured greyhound.

In summary, we find that all Charges have been proven to our comfortable satisfaction, save for one set of circumstances described in Charges 3, 4 and 5.

We repeat that there is a considerable amount of duplication.

PENALTY

Mr Ibrahim Kama, you have been found guilty of seven offences and pleaded guilty to an eighth offence. We would refer to our decision in relation to guilt.

You are a 32 year old single man, with some members of your family dependent upon your income. Your sole source of income is from your training of greyhounds. You have a father and brother with health and welfare concerns. You have been a licensed public trainer since 2020, and involved in the industry since 2014.

You have an excellent record, with no offence of any magnitude alleged.

The offences of which we have found you guilty are, in relation to Charges 1 to 5, serious matters. Charges 6 to 8 are of lesser magnitude.

Charges 1 to 5 involve the very important matter of animal welfare. That is something of vital significance to the well-being and future of the industry. We accept that no injury of any significance was suffered by the dogs involved in the present case. That does not excuse your behaviour, but is a factor we take into account.

We take into account the submissions of the Stewards and the decision of Her Honour Judge Harbison in *Huntington v Greyhound Racing Appeals and Disciplinary Board*. There are some similarities with the present case. We note that the penalties imposed by Her Honour were a fine of \$750 and disqualification for 18 months, with 15 months suspended for 3 years.

The penalties we impose in the present case are as follows, and, as did the Stewards, we shall deal with the Charges in groups:

On Charges 1 and 2: On each Charge a penalty of 18 months disqualification to be served concurrently, with six months of such 18 month disqualification suspended for a period of 24 months.

On Charges 3, 4 and 5: Disqualification for 12 months on each Charge, each such disqualification being concurrent with the penalties in Charges 1 and 2.

On Charges 6, 7 and 8: A fine of \$250 on each Charge, a total of \$750, of which \$500 is suspended for 24 months.

The bottom line is a penalty of 12 months disqualification and a fine of \$250, with further penalties, as set out above, suspended for a period of 24 months.

Mark Howard
Registrar, Victorian Racing Tribunal

26 February 2024

DECISION

GREYHOUND RACING VICTORIA

and

IBRAHIM KAMA

- Date of hearing:** 13 February 2024
- Panel:** Judge John Bowman (Chairperson)
- Appearances:** Ms Amara Hughes, instructed by Mr Anthony Pearce, appeared on behalf of the Stewards.
Mr Ibrahim Kama represented herself.
- Rule:** Greyhounds Australasia Rule ("GAR") 169(5)(c) states:
- (5) Pending the decision or outcome of an inquiry or other disciplinary process, a Controlling Body or the Stewards may direct that:
- (c) a registration, licence, or other type of authority or permission be suspended.
- Particulars:** On 9 February 2024, the Stewards of Greyhound Racing Victoria ("GRV") imposed an immediate suspension on the trainers licence of Mr Ibrahim Kama, pending further investigations into animal welfare matters.

DECISION

Mr Ibrahim Kama, you are appealing against a decision of the Stewards of 9 February 2024 – a decision made last week. That decision is to suspend your trainers licence pending the hearing of numerous charges against you arising out of incidents on 18 September 2023 and 3 February 2024. Put in basic terms, the charges essentially relate to animal welfare. The current laying of

charges followed a meeting with the Stewards on 7 February 2024, a decision on that date and a detailed letter of 9 February 2024. To state the obvious, the decision to suspend you predates a full hearing on the merits, a course of action that is not frequently adopted. The fact that the case involves animal welfare issues may well have influenced the thinking of the Stewards and the adoption of the course of action, involving, as it does, a suspension pending a hearing on the merits.

You are appealing against the decision. You are a trainer of some five dogs and have been a licensed trainer for approximately nine and a half years. You have a very good record.

The training of five dogs for other persons is the principal source of income for you and your family.

We have had the opportunity to read the various documents and to view the brief videos taken of what occurred on 3 February 2024. We have noted both the Stewards remarks, presented by Ms Amara Hughes of counsel, and the matters raised by you.

In our opinion, the decision of the Stewards to suspend your licence prior to the hearing on the merits was justified and the appeal is dismissed accordingly. The case involves numerous charges of animal welfare occurring on two occasions. The case itself is of limited ambit, involving a factual dispute. The Stewards will be ready to have a full hearing on the merits in approximately 4 weeks. Presumably you would be anxious to obtain a hearing as soon as possible. The Tribunal will do everything it can to make that arrangement.

We repeat that on its face, this is a serious matter involving alleged animal welfare offences on two occasions. As stated, in those circumstances, and with a prompt hearing date of the case in full sought, and obtainable, we repeat that we are of the view that your application contesting the suspension is dismissed.

Mark Howard
Registrar, Victorian Racing Tribunal