

7 October 2024

DECISION

GREYHOUND RACING VICTORIA

and

ANTHONY HARDING

- Date of hearing:** 1 October 2024
- Date of decision:** 1 October 2024
- Panel:** Judge John Bowman (Chairperson) and Ms Danielle Hikri.
- Appearances:** Ms Yana Podolskaya appeared on behalf of the Stewards.
Mr Anthony Harding represented himself.
- Charges:** Greyhounds Australasia Rule ("GAR") 21(3) states:
(3) A person shall not cause or permit, on any premises owned or occupied by that person, any condition that is likely to be dangerous to the health, welfare or safety of that greyhound.
- GAR 21(1)(a) states:
(1) A person must ensure that any greyhound in the person's care or custody, is at all times provided with:
(a) proper and sufficient food, drink and protective apparel.
- GAR 21(1)(d) states:
(1) A person must ensure that any greyhound in the person's care or custody, is at all times provided with:
(d) veterinary attention when necessary.
- GAR 21(1)(c) states:
(1) A person must ensure that any greyhound in the person's care or custody, is at all times provided with:
(c) kennels constructed and of a standard approved by a Controlling Body which are adequate in size and which are kept in a clean and sanitary condition.

GAR 156(w) states:

An offence is committed if a person (including an official) (w) fails to comply with a policy or code of practice adopted by a Controlling Body

Particulars:

Charge 1: GAR 21(3)

1. You were, at all relevant times, a trainer registered with Greyhound Racing Victoria (GRV) (Member No. 30645) and a person bound by the Greyhounds Australasia Rules and Local Racing Rules.
2. You were, at all relevant times the occupier of kennels located in Hamilton, Victoria.
3. On 27 April 2023 you had the greyhound PENNY BE SURE (VDDOK) kennelled in Hamilton, Victoria.
4. You permitted conditions at the premises that were likely to be dangerous to the health, welfare and/or safety of PENNY BE SURE.

Charge 2: GAR 21(1)(a)

1. You were, at all relevant times, a trainer registered with Greyhound Racing Victoria (GRV) (Member No. 30645) and a person bound by the Greyhounds Australasia Rules and Local Racing Rules.
2. You were at all relevant times a person responsible for the care or custody of the greyhound, PENNY BE SURE (VDDOK), housed at your GRV registered kennelling premises, in Hamilton, Victoria (Premises).
3. On 27 April 2023, GRV Investigative Stewards attended the premises where it was found that PENNY BE SURE had not at all times been provided with sufficient drink and/or protective apparel (clean dry bedding).

Charge 3: GAR 21(1)(d)

1. You were, at all relevant times, a trainer registered with Greyhound Racing Victoria (GRV) (Member No. 30645) and a person bound by the Greyhounds Australasia Rules and Local Racing Rules.
2. You were at all relevant times a person responsible for the care or custody of the greyhound, PENNY BE SURE (VDDOK), housed at your GRV registered kennelling premises, in Hamilton, Victoria (Premises).
3. On 8 May 2023, GRV Investigative Stewards attended the premises where it was found that PENNY BE SURE, following examination by a GRV veterinarian, was experiencing moderate to severe periodontal disease.
4. You failed to ensure the PENNY BE SURE, which was in your care or custody, was at all times provided with veterinary attention when necessary.

Charge 4: GAR 21(1)(c)

1. You were, at all relevant times, a trainer registered with Greyhound Racing Victoria (GRV) (Member No. 30645) and a person bound by the Greyhounds Australasia Rules and Local Racing Rules.
2. You were at all relevant times a person responsible for the care or custody of the greyhound, PENNY BE SURE (VDDOK), housed at your GRV registered kennelling premises, in Hamilton, Victoria (Premises).
3. On 27 April 2023, GRV Investigative Stewards attended the premises where it was found that PENNY BE SURE had not at all times been provided with kennels constructed and of a standard approved by a Controlling Body and which are kept in a clean and sanitary condition.

Charge 5: GAR 156(w)

1. You were, at all relevant times, a trainer registered with Greyhound Racing Victoria (GRV) (Member No. 30645) and a person bound by the Greyhounds Australasia Rules and Local Racing Rules.
2. On 27 April 2023 you had greyhound an inspection was conducted at your registered kennel address located in Hamilton, Victoria.
3. You did not have a current Establishment Health Management Plan (EHMP) for your establishment.
4. An EHMP is a requirement of the Code of Practice for the Keeping of Racing Greyhounds.
5. The Code of Practice for the Keeping of Racing Greyhounds is a Code of Practice adopted by Greyhound Racing Victoria.

Pleas: Guilty

DECISION

Mr Anthony Harding, you are pleading guilty to five charges. Charges 1 to 4 are brought pursuant to Greyhounds Australasia Rule (“GAR”) 21(3), 21(1)(a), 21(1)(d) and 21(1)(c) respectively. The breach of GAR 21(3) could be described as the head charge and was treated this way by Ms Yana Podolskaya, who presented the case on behalf of GRV in a very concise and able fashion. Essentially, the Charges relate to the condition of your kennels, although Charge 3 relates to the dental condition of one retired greyhound.

Charge 5 concerns the absence of an Establishment Health Management Plan (“EHMP”).

Charges 1 to 4 arise out of a visit to your kennels by Stewards on 27 April 2023 and a subsequent visit by Dr Sarah Dornbusch, veterinarian, on 8 May 2023. Your kennels are at the rear of the property in which you reside in Hamilton.

We have seen the photographs of the kennels and the surrounding area at the back of the house. There is no argument but that they were not in good condition and needed various improvements, including the removal of water and dampness.

Turning to your present situation, you reside on your own at the house in Hamilton, with the kennels at the rear. You have been involved with greyhounds for many years, dating back to being an owner in 1991, an attendant and then a public trainer since 2007. You are currently licensed as an attendant only. You have had considerable success, training a small number of dogs racing mainly in the west of the state and in Mount Gambier. You have an excellent record.

You are now aged 79 years. You saw service in Vietnam and are in receipt of a Vietnam veteran pension. Obviously, the greyhounds have been a source of great enjoyment for you.

However, you had allowed your kennels to deteriorate into a condition that was quite unsatisfactory and needed considerable work and maintenance. This is apart from your failure to have proper attention given to the teeth of one retired greyhound and your failure to have in place an EHMP.

Issues of animal welfare and a proper EHMP are important. The image and public perception of greyhound racing must always be borne in mind.

Taking into account all of these factors, including the importance of welfare issues, your excellent record and your pleas of guilty, we are of the view that the following penalties, which largely coincide with the penalties sought by the Stewards, are appropriate and are as follows.

Charge 1: six month suspension and a \$2,000 fine.

Charge 2: six month suspension and a \$2,000 fine. This penalty is to be served concurrently with the penalty imposed on Charge 1.

Charge 3: six month suspension and a \$2,000 fine. This penalty is to be served concurrently with the penalty imposed on Charge 1.

Charge 4: \$1,000 fine. This penalty is to be served cumulatively on the penalty imposed on Charge 1.

Charge 5: \$500 fine. This penalty is to be served cumulatively on the penalty imposed on Charge 1.

Thus, the total penalty is a six month suspension, to commence immediately, and a \$3,500 fine. However, the fine is wholly suspended for a period of 24 months pending no further relevant offences during that time.

Kathleen Scully
Assistant Registrar, Victorian Racing Tribunal