

30 May 2024

DECISION

GREYHOUND RACING VICTORIA

and

JEANETTE SPRUYT

- Date of hearing:** 24 May 2024
- Date of decision:** 24 May 2024
- Panel:** Judge Marilyn Harbison (Deputy Chairperson) and Mr Des Gleeson.
- Appearances:** Mr Steven Brnovic instructed by Mr Tim Brook appeared on behalf of the Stewards.
Ms Jeanette Spruyt represented herself.
- Charges and particulars:** Charge No. 1 of 2

Greyhounds Australasia Rules **86 (o)**, as in force at the relevant time, reads as follows:

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

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 being:

1. You were, at all relevant times, a public trainer/breeder registered with Greyhound Racing Victoria (**GRV**) (Member No. 41070) and a person bound by the Greyhounds Australasia Rules and Local Racing Rules.
2. Between July 2021 and December 2021, you had the care and custody of greyhound 'Park Behind' (Ear Brand: VIKCT).
3. On 12 November 2021, you permitted this greyhound to be injected with 1ml of 'Feron 200 + B12' by GRV registered participant David GEHAN (38239) at your registered kennel address.

4. The bottle of 'Feron 200 + B12' that GEHAN used to inject 'Park Behind' was expired.
5. According to the conditions of the Establishment Health Management Plan (EHMP) put in place at your registered kennel address, GEHAN was not an approved person to administer injectable supplements.
6. On 13 November 2021, you notified GRV of the death of 'Park Behind' which had occurred at you registered kennel address sometime in the morning of this date.
7. Subsequent veterinary advice from Dr Anthony (Tony) James of Wimmera Mallee Vet Services, who performed a partial autopsy on the deceased greyhound, indicated that the cause of death of this greyhound was probably due to toxemia because of either an infectious agent introduced into the leg with the injection or the cytotoxic effects of the injected iron complex.
8. By permitting GEHAN, who is not an approved person to administer injectable supplements under the conditions of your EHMP, to inject 'Park Behind' with expired 'Feron 200 + B12' at your registered kennel address, which may have caused the death of this greyhound the day after being injected, you have done a thing, which in the opinion of the Stewards, constitutes misconduct.
9. By reason of Greyhounds Australasia Rule 2 (as currently in force), the rescinding or variation of the Old Rules and commencement of the New Rules does not:
 - a) affect the previous operation of the Old Rules (including Rule 86 (o)),
 - b) affect any obligation or liability imposed, created or incurred prior to the rescission or variation of the Old Rules (including by virtue of 86 (o)); or
 - c) affect any penalty incurred, or liable to be incurred, in respect of any offence committed pursuant to the Old Rules (including a breach of Rule 86 (o)).

Charge No. 2 of 2

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

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

Veterinary attention when necessary.

Particulars of the Charge being:

1. You were, at all relevant times, a public trainer/breeder registered with Greyhound Racing Victoria (**GRV**) (Member No. 41070) and a person bound by the Greyhounds Australasia Rules and Local Racing Rules.
2. Between July 2021 and December 2021, you had the care and custody of greyhound 'Park Behind' (Ear Brand: VIKCT).
3. On 10 November 2021, 'Park Behind' ran through a wire fence at your registered kennel address and incurred a wound to the left hind leg.
4. Dr Anthony (Tony) James of Wimmera Mallee Vet Services, who performed a partial autopsy of the greyhound on 13 November 2021 when the greyhound presented as deceased, described the wound as a 'shallow puncture wound above the outside surface of the knee and small abrasion on inner surface of left tibia'.
5. You did not seek immediate veterinary attention for the greyhound because you did not think immediate veterinary attention was warranted, despite the wound incurred by the greyhound and the greyhound being lame and limping due to running through the wire fence.
6. You failed to provide veterinary attention for this greyhound after the greyhound incurred injuries due to running through a wire fence.
7. By reason of Greyhounds Australasia Rule 2 (as currently in force), the rescinding or variation of the Old Rules and commencement of the New Rules does not:
 - a) affect the previous operation of the Old Rules (including Rule 86 (o)),
 - b) affect any obligation or liability imposed, created or incurred prior to the rescission or variation of the Old Rules (including by virtue of 86 (o)); or
 - c) affect any penalty incurred, or liable to be incurred, in respect of any offence committed pursuant to the Old Rules (including a breach of Rule 86 (o)).

Plea: Guilty to Charge 1.
Charge 2 was withdrawn.

DECISION

1. Ms Jeanette Spruyt has been a registered greyhound owner and trainer for over twenty years.

2. She comes before this Tribunal on a charge that on 12 November 2021 she was negligent in that she permitted a person to inject one of her greyhounds with an expired substance that may have caused the death of that greyhound. She has pleaded guilty to this charge.
3. The background to these matters is as follows. Ms Spruyt was the owner and trainer of a greyhound named Park Behind, which she also called Frankie. She became concerned that this greyhound and others which she also owned were lacking in iron, as indicated by blood tests administered to them. She had some discussions with other trainers and decided that she should arrange for an injection of iron for each of her greyhounds. She was not comfortable giving an injection herself and so she asked a fellow trainer Mr David Gehan if he would administer the injection to her dogs. He agreed and gave the injection on 12 November 2021 in her presence. At the time of the injection, she did not pay a great deal of attention and was not sure what substance it was that was injected into the dog. It appears that the substance most likely was pig iron, although Ms Spruyt does not fully accept this explanation. We also note that the vial may have been past its expiry date.
4. At the time of the injection Frankie was suffering from an injury. This injury occurred on about 10 November 2024, just two days before the injection was administered. The dog had run through a wire fence.
5. Sadly, the dog suddenly died in the early morning of 13 November 2021. Ms Spruyt was broken-hearted, and it is evident to us from her evidence at the hearing that she has still not got over her loss.
6. There was veterinary evidence provided to us by Dr Anthony James, who was the veterinary surgeon of Ms Spruyts and who was familiar with this dog. He was asked by Spruyt to perform an autopsy on the dog and did so on 13 November 2021. He thought that the death was probably a result of the combination of some infection introduced by the needle at the time of the injection and the effects of the pig iron itself. The wound to the leg did not appear to have played any part in the dog's death.
7. Ms Spruyt says that she loves all her dogs and treated this dog with the very best medical attention that she could. She concedes that she should not have allowed Mr Gehan to inject the dog with any substance. To have done so was fraught with danger.
8. She allowed an unauthorised person to inject her dog. Furthermore, the substance injected was expired, not obtained on a prescription, and potentially harmful to her dog. She did not obtain advice as to the safety of this substance before making the arrangements for it to be injected into the dog. We find her conduct in this regard clearly to have been clearly negligent.

9. We accept Ms Spruyt's her evidence that she cared deeply for her dog and gave it her devoted attention when she realised that it was suffering.
10. We now turn to the penalty to be imposed. We note that it was Mrs Spruyt herself who notified GRV of the death of the dog and the administration of the iron. Without her evidence, charges would not have been laid. She made no attempt at all to conceal the injection of iron, even having recorded it in her treatment book.
11. Other than for this charge, she has an exemplary record as a trainer and owner.
12. We also note her parlous circumstances. Since the middle of last year, she has been battling lung cancer. She has also been injured in a car accident, and her mother has died. She survives now on a disability pension.
13. She is under the care of a psychologist, who provided a report to us. The psychologist described her love of her dogs and the distress caused to her by the death of her dog.
14. She has now arranged for her remaining dogs to be rehomed.
15. The offence before us is one involving animal welfare. Counsel for the Stewards has rightly submitted that Ms Spruyt's failure to follow the procedures set out in her management plan and her decision to allow her dog to be injected with an unauthorised substance should be dealt with firmly. This Tribunal has a responsibility to deter others in the industry who may be tempted to ignore the correct procedures when treating their dogs and thus potentially expose them to harm.
16. Ms Spruyt has pleaded guilty to this charge. This is to be taken into account in her favour. We note that in her submissions she still expressed anger at what she perceived to be an unhelpful attitude of GRV in not investigating in any detail the nature of the substance injected into the dog. We agree with submissions from counsel for the Stewards that this attitude is somewhat at odds with her otherwise cooperative attitude in this hearing. However, we see her comments as primarily borne out of her anguish at the loss of a beloved dog and do not place great weight on this aspect of the Stewards' submission.
17. Taking into account all of the circumstances of this case, the penalty we impose on Charge one is a suspension for a period of 2 months commencing from 24 May 2024.

Mark Howard
Registrar, Victorian Racing Tribunal