

2 July 2024

## **DECISION**

**GREYHOUND RACING VICTORIA**

**and**

**KEVIN TIRCHETT**

- Date of hearing:** 17 June 2024
- Date of decision:** 17 June 2024
- Panel:** Judge John Bowman (Chairperson) and Ms Maree Payne.
- Appearances:** Mr Anthony Pearce appeared on behalf of the Stewards.  
Mr Kevin Turchett did not attend the hearing.
- Charges:** Greyhounds Australasia Rule (“GAR”) 156(h) states:  
An offence is committed if a person (including an official):  
(h) disobeys or fails to comply with a lawful order of a Controlling Body, the Stewards, or another person authorised by a Controlling Body with official duties in relation to greyhound racing.
- 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 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 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 156(h)**

1. You were, at all relevant times, a public trainer and breeder registered with Greyhound Racing Victoria (GRV) (Member No.4331) 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 greyhounds housed at your GRV registered kennelling premises in Pascoe Vale, Victoria.

3. On 19 September 2023, you were issued with a Lawful Order by a Steward, by way of a Direction Notice which stated, *"You are not permitted to take on or house any greyhounds as an Owner or Trainer on your property without prior approval from the Greyhound Racing Integrity Unit (GRIU)."* Compliance was required immediately.

4. On 30 November 2023, Investigate Stewards sighted and scanned two (2) greyhounds being housed in your kennels at Pascoe Vale, Victoria. The greyhounds were identified as racing greyhounds Jesse's Shout (VJDIX) and She's The One (VITTQ).

5. You did not have prior approval from the GRIU to have these greyhounds housed at your property.

6. You failed to comply with a Lawful Order of a Steward in relation to greyhound racing.

**Charge 2: GAR 21(2)(c)**

1. You were, at all relevant times, a public trainer and breeder registered with Greyhound Racing Victoria (GRV) (Member

No.4331) 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 and supervision of the greyhounds housed at your GRV registered kennelling premises in Pascoe Vale, Victoria.

3. On 30 November 2023, GRIU Investigative Stewards attended the premises and identified a failure to provide the greyhounds in your care or custody, at all times, with kennels constructed and of a standard approved by GRV which are kept in a clean and sanitary condition, in that the kennels were not compliant with the 'Code of Practice for the Keeping of Racing Greyhounds 2018', which included:

(a) The kennels do not provide a safe and secure environment.

(b) Non spillable water containers were not provided.

(c) Dirt and grime present on the kennel floors.

(d) Raised bedding was not present in kennels.

(e) Clutter and unused items stored above sleeping are in kennels.

(f) They are not constructed in a manner that prevents greyhounds from escaping or jumping out, in that they did not meet the minimum height requirements.

(g) There is limited access to natural light.

**Charge 3: GAR 21(3)**

1. You were, at all relevant times, a public trainer and breeder registered with Greyhound Racing Victoria (GRV) (Member No.4331) 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 and supervision of the greyhounds housed at your GRV registered kennelling premises in Pascoe Vale, Victoria.

3. On 30 November 2023, GRIU Investigative Stewards attended your property and identified a failure to maintain cleanliness and basic hygiene within the kennelling area to a standard approved by Greyhound Racing Victoria, which included:

(a) Dirt and grime covered the meal preparation bench top areas.

(b) The general kennelling area presented unclean with a build-up of spiderwebs and dust.

(c) Flies infested the meal preparation area.

(d) Rubbish and unused household items were stacked and stored within the kennelling area.

4. You have caused or permitted on a premises owned and occupied by you, conditions that are likely to be dangerous to the health, welfare or safety of greyhounds in your care or custody.

**Charge 4: GAR 156(w)**

1. You were, at all relevant times, a public trainer and breeder registered with Greyhound Racing Victoria (GRV) (Member No.4331) and a person bound by the Greyhounds Australasia Rules and Local Racing Rules.

2. The Code of Practice for the Keeping of Racing Greyhounds has been adopted by the controlling body since April 2019. The code of practice states:

*4.1 Establishment and Health Management Plan (EHMP)*

*Every establishment must have an EHMP in place for general operational matters and greyhound management, welfare, socialisation, enrichment and education (as appropriate) that is reviewed annually. The EHMP may outline protocols that differ from the requirements outlined in this Code. Where protocols are not specified, the requirements outlined in this Code apply.*

3. You failed to ensure you complied with The Code of Practice for the Keeping of Racing Greyhounds in that you do not have a valid Establishment Health Management Plan (EHMP) for your establishment.

**Pleas:** Not Guilty

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## **DECISION**

Mr Kevin Tirchett did not appear to answer these four Charges made against him by the Stewards. This is no surprise, as he had indicated that he would not be participating in the hearing. That is a position he has maintained throughout.

At an early stage, he had also indicated that he would plead Not Guilty to these charges, but that has effectively been the only communication from him. We have treated the matter as if pleas of Not Guilty have been entered. This means that the Stewards had to persuade us that we should be comfortably satisfied that the four Charges have been proven, this being the *Briginshaw* test.

We are comfortably satisfied. In our opinion, the four Charges have been made out.

Charge 1 is pursuant to Greyhounds Australasia Rule ("GAR") 156(h). The relevant behaviour was the deliberate breach of a Lawful Order of the Stewards that two greyhounds, "Jesse's Shout" and "She's The One", no longer be kennelled at Mr Tirchett's house in Pascoe Vale, Victoria. These dogs had been transferred to another trainer. Indeed, Mr Tirchett had been specifically ordered on 19 September 2023 that he was not permitted to house any greyhounds as an owner or trainer at his Pascoe Vale residence without the permission of the Stewards. They were transferred to another trainer, but the FastTrack records show that, on or about 20 November 2023, he re-took possession of the two dogs in question and recommenced training them, housing them at the Pascoe Vale address. Indeed, he nominated both dogs to race at Healesville on 1 December 2023.

However, the Stewards visited the Pascoe Vale property on 30 November 2023 and identified the dogs in question. This was the clearest of breaches of the Lawful Order of 19 September 2023. We are comfortably satisfied that Charge 1 has been proven.

Charges 2 and 3 relate to the condition of the kennels at Mr Tirchett's kennelling address in Pascoe Vale, as evidenced on 30 November 2023. The Charges are pursuant to GAR 21(1)(c) and 21(3). We accept that the kennels and facilities were in a very poor condition indeed, and this included the meal preparation area. Photographs of what was found were provided to us. We agree completely with the Stewards that the kennels were unclean, in detrimental condition, and posed a threat to the health and welfare of the dogs. Charges 2 and 3, which overlap considerably, have been proven to our comfortable satisfaction.

Charge 4 concerns a breach of GAR 156(w). There was no valid Establishment Health Management Plan ("EHMP") for the kennels in Pascoe Vale. This breach has been established to our comfortable satisfaction.

## **PENALTY**

We turn now to the question of the appropriate penalties. We say at the outset that we agree totally with the penalties submitted by Mr Anthony Pearce on behalf of the Stewards.

In relation to Charge 1, the proposed penalty is disqualification for 12 months. The wilful disobedience of a Lawful Order of the Stewards is a very serious matter. That is particularly so when that Order relates to the wellbeing of greyhounds. We regard the penalty proposed as proper and appropriate for the offending which occurred in this case.

The suggested penalty in relation to Charges 2 and 3 is six months disqualification on each, with the penalties to be served concurrently. These dogs were being kept in kennels and surrounding areas which posed a danger to their health. These areas included the meal preparation area, in which there was grime, dirt, spiderwebs and rubbish. Further, there was no raised bedding for the dogs. An effective total disqualification for six months, cumulative upon the penalty in relation to Charge 1, seems to us to be appropriate.

Charge 4 concerns the absence of an EHMP. Such plans are of importance to the Stewards in their duties in relation to the welfare of greyhounds. We agree that a fine of \$500 is appropriate.

The end result is a period of disqualification for 18 months and a fine of \$500.

The commencement date of the period of disqualification is 30 May 2024. That is because Mr Turchett was suspended as of that date.

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Kathleen Scully  
Assistant Registrar, Victorian Racing Tribunal