29 September 2021

**DECISION**

**GREYHOUND RACING VICTORIA**

**and**

**ANDREW HARMES**

**Date of hearing:** 20 September 2021

**Panel:** Justice Shane Marshall (Deputy Chairperson) and Mr Josh Bornstein.

**Appearances:** Mr Marwan El-Asmar appeared on behalf of the Stewards.

Mr Andrew Harmes represented himself.

**Charges:** Local Racing Rule (“LR”) 42.6(b) states:

(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 euthanise 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.

LR 42.3 states:

For the purposes of GAR 106(3), the Board directs the last registered owner of that greyhound will be responsible for that greyhound and shall advise the Board if that greyhound is to be retired as a pet, a breeding greyhound, a GAP greyhound, or has been humanely euthanised by a veterinarian.

LR 42.10(a) states:

It is a Serious Offence:

(a) to provide misleading or false information to a Steward or authorised officer in connection with LR 42.6 and LR 42.7.

Greyhounds Australasia Rule (“GAR”) 86(p) states:

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

(p) disobeys or fails to comply with the lawful order of a Steward or other person or body having official duties in relation to greyhound racing.

GAR 105(4)(i) states:

4(i) A registered person shall within 3 working days of a greyhound coming pursuant to or leaving the person’s care or custody, give notice to the Controlling Body of that occurrence.

GAR 86(e) states:

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

(e) being an owner, trainer, attendant or a person having official duties in relation to greyhound racing, refuses or fails to attend or to give evidence at an inquiry, or produce a document or other thing in relation to an investigation, examination, test or inquiry pursuant to these Rules when directed by the Controlling Body, Stewards or the committee of a club to do so.

**Particulars of charges: Charge 1: LR 42.6(b)**

1. You are and were at all relevant times an owner/trainer and breeder licensed by Greyhound Racing Victoria (“GRV”) (license number 42047) and a person bound by the Greyhounds Australasia Rules (“GAR”) and Local Racing Rules (“LR”).
2. You were at all relevant times the person responsible for the care and supervision of the Greyhounds housed at your GRV registered kennelling premises in Corio, Victoria.
3. On 16 August 2019, you informed GRV Investigative Stewards that the three (3) unnamed dogs VENXX, VENXZ and VENYC had been euthanised. GRV did not receive any notice of intention to euthanise these greyhounds.

**Charge 2: LR 42.3**

1. You are and were at all relevant times an owner/trainer and breeder licensed by Greyhound Racing Victoria (“GRV”) (license number 42047) and a person bound by The Greyhounds Australasia Rules (“GAR”) and Local Racing Rules (“LR”).
2. You were at all relevant times the person responsible for the care and supervision of the Greyhounds housed at your GRV registered kennelling premises in Corio, Victoria.
3. On 16 August 2019, you informed GRV Investigative Stewards that you had sent paperwork to “Jack at GRV” and that the unnamed dogs VENXX, VENXZ and VENYY had been euthanised.
4. On 21 February 2020, GRV confirmed that there were no death certificates, or any other related documents received for these three unnamed dogs.
5. On 21 February 2020, during a phone call with GRV Investigative Stewards you informed GRV that you would try and locate old paperwork and contact the vet clinic to obtain death certificates and get that information to GRV.
6. You failed to provide this documentation and notify GRV of the euthanasia of the above-mentioned unnamed dogs.

**Charge 3: LR 42.10(a)**

1. You are and were at all relevant times an owner/trainer and breeder licensed by Greyhound Racing Victoria (“GRV”) (license number 42047) and a person bound by The Greyhounds Australasia Rules (“GAR”) and Local Racing Rules (“LR”).
2. You were at all relevant times the person responsible for the care and supervision of the Greyhounds housed at your GRV registered kennelling premises in Corio, Victoria.
3. During a phone call on 20 February 2020 with GRV Investigative Stewards, you informed that the dogs were euthanised at a vet clinic. You were requested to provide details of the vet clinic and the date the dogs were euthanised. You failed to provide any information regarding the name of the vet or clinic, the date that you attended or any other supporting information.
4. In doing so you have provided false or misleading information to GRV Investigative Stewards.

**Charge 4: GAR 86(p)**

1. You are and were at all relevant times an owner/trainer and breeder licensed by Greyhound Racing Victoria (“GRV”) (license number 42047) and a person bound by The Greyhounds Australasia Rules (“GAR”) and Local Racing Rules (“LR”).
2. You were at all relevant times the person responsible for the care and supervision of the Greyhounds housed at your GRV registered kennelling premises in Corio, Victoria.
3. On 5 June 2020, a directions letter from GRV Investigative Stewards was served on you via registered post to your registered address and was delivered to this address on 11 June 2020. This letter requested information on the inactive dogs VENYC, VENXX, and VENXZ and the location of unnamed dogs VIFQM, VIFQN, VIFQQ.
4. You failed to respond in any way to this lawful order made by a GRV Investigative Steward in the form of this directions letter.

**Charge 5: GAR 105(4)(i)**

1. You are and were at all relevant times an owner/trainer and breeder licensed by Greyhound Racing Victoria (“GRV”) (license number 42047) and a person bound by The Greyhounds Australasia Rules (“GAR”) and Local Racing Rules (“LR”).
2. You were at all relevant times the person responsible for the care and supervision of the Greyhounds housed at your GRV registered kennelling premises in Corio, Victoria.
3. On 21 February 2020, you informed Investigative Stewards that there were no dogs at your residential address despite your GRV FastTrack account noting three (3) unnamed greyhounds VIFQM, VIFQN and VIFQQ being currently kennelled at your registered kennelling address. You stated they were being reared with Jack Trengrove and you were asked to update this information.
4. Between 21 February 2020 and 15 June 2020, despite numerous requests by GRV Investigative Stewards, you failed to update your GRV FastTrack account to show these greyhounds had left your care and custody.
5. On 3 March 2020, Investigative Stewards attempted to phone you but you did not answer or return the call. FastTrack records were still not updated.
6. FastTrack records were not updated until 15 June 2020.

**Charge 6: GAR 86(e)**

1. You are and were at all relevant times an owner/trainer and breeder licensed by Greyhound Racing Victoria (“GRV”) (license number 42047) and a person bound by The Greyhounds Australasia Rules (“GAR”) and Local Racing Rules (“LR”).
2. You were at all relevant times the person responsible for the care and supervision of the Greyhounds housed at your GRV registered kennelling premises in Corio, Victoria.
3. On 15 August 2020 at 2.30pm, you were directed by Investigative Stewards, with a Notice of Inquiry sent by email, to attend a scheduled inquiry via phone and failed to attend and give evidence at that inquiry.

**Plea:** Guilty to Charge 5

Charges 1 – 4 and Charge 6 withdrawn by the Stewards

**DECISION**

1. Mr Andrew Harmes is a registered greyhound trainer. He has been a registered owner/trainer since July 2010. He has been charged by Stewards of Greyhound Racing Victoria (“GRV”) with six charges which bring him before the Tribunal. They are: -
* Charge 1: a charge of failing to provide notice to euthanise greyhounds under Local Racing Rule (“LR”) 42.6(b).
* Charge 2: the failure to advise GRV of the actual euthanasia of three greyhounds under LR 42.3.
* Charge 3: the provision of false and misleading information relating to inactive greyhounds under LR 42.10(a).
* Charge 4: the failure to comply with a lawful direction of a Steward under Greyhounds Australasia Rule (“GAR”) 86(p).
* Charge 5: the failure to update FastTrack records for three unnamed greyhounds under GAR 105(4)(i).
* Charge 6: the failure to attend an inquiry on 15 August 2020 under GAR 86(e).
1. We note that the Stewards have stated they to wish withdraw Charges 1, 2, 3, 4 and 6. That will enable us to deal with the remaining Charge, which is Charge 5.
2. The fifth charge under GAR 105(4)(i) is not a serious offence under LR 47 or any other Rule. However, the Chief Steward recommended that the Tribunal hear the matter at the same time as the serious charges. We agree with that recommendation.
3. We deal firstly with that charge under GAR 105(4)(i). Mr Harmes pleaded guilty to that charge. We are satisfied, on the evidence before us, that FastTrack records were not updated for unnamed greyhounds with the following registration: VIFQM, VIFQN and VIFQQ. Since February 2020, those greyhounds were recorded on FastTrack as being on the property of Mr Harmes at his address in Corio, Victoria. Since that time, GRV Stewards attempted to obtain information about the current location of those greyhounds given that they were not at his property. Mr Harmes agreed to update FastTrack records, but failed to do so until later.
4. GAR 105(4)(i) provides that a registered person shall, within three working days of a greyhound coming pursuant to or leaving the person’s care or custody, give notice to the Controlling Body of that occurrence. It is important that GRV, as the regulator and Controlling Body, be able to keep track of where greyhounds are located to ensure their welfare is catered for. Failure to do so makes that important task of the Stewards almost impossible.
5. In setting a penalty, we take into account general deterrence and the importance of GRV being able to regulate the welfare and safety of greyhounds. We also take into account the guilty plea and recent penalties in two like cases, as well as Mr Harmes’ good record. In all the circumstances, we impose a suspension of three months, fully suspended for 12 months on the condition that Mr Harmes commit no breach of GAR 105(4)(i) in that time.
6. We note that the Stewards have undertaken to withdraw Charges 1, 2, 3, 4 and 6. We now formally permit the Stewards to withdraw Charges 1, 2, 3, 4 and 6. Had they continued to be before us, we would not have had the jurisdiction to deal with Charge 5 given that it is a non-serious offence under the Rules.

Kathleen Scully
Assistant Registrar, Victorian Racing Tribunal