21 July 2020

**DECISION**

**GREYHOUND RACING VICTORIA**

**and**

**MS CASSANDRA BARNARD**

**Date of hearing:** 17 July 2020

**Panel:** Justice Shane Marshall (Chairperson) and Judge Marilyn Harbison.

**Appearances:** Mr Andrew Cusumano appeared on behalf of the Stewards.

Ms Cassandra Barnard represented herself.

**Charge:** Greyhounds Australasia Rule (GAR) 106 (1)(d)states:

1. A registered person must ensure that greyhounds, which are in the person’s care or custody, are provided at all times with –
2. Veterinary attention when necessary.

(GAR) 106 (2)states:

1. A registered person must exercise such reasonable care and supervision as may be necessary to prevent greyhounds pursuant to the person’s care or custody from being subjected to unnecessary pain or suffering.

**Particulars of charges:**

 **Charge 1**

1. You were, at all relevant times, a trainer registered with Greyhound Racing Victoria (Member No. 48173) and a person bound by the Greyhound Australasia Rules and Local Rules of Racing.
2. You did, at all relevant times, have the care or custody of the greyhound ‘*Extra Cuddles’* (Ear Brand: VBKMT) (**the Greyhound**).
3. On 1 March 2019, the Greyhound suffered several wounds to her neck, chest and legs following a dog fight while being transported to the Traralgon Greyhound Racing Club in the same vehicle as other greyhounds.
4. On 3 March 2019, and after being left by you in an emergency kennel at the Traralgon Greyhound Racing Club since 1 March 2019, the Greyhound was presented to Maffra Veterinary Clinic by registered trainer Lyn Smith (Member No. 25092) after she found the Greyhound on the floor of the kennel.
5. Between 1 March 2019 (when the Greyhound suffered the wounds to her neck, chest and legs) and 3 March 2019 (when the Greyhound was presented to Maffra Veterinary Clinic by Lyn Smith), you failed to provide veterinary attention to the Greyhound when such veterinary attention was necessary.

**Charge 2**

1. You were, at all relevant times, a trainer registered with Greyhound Racing Victoria (Member No. 48173) and a person bound by the Greyhound Australasia Rules and Local Rules of Racing.
2. You did, at all relevant times, have the care or custody of the greyhound ‘*Extra Cuddles’* (Ear Brand: VBKMT) (**the Greyhound**).
3. On 1 March 2019, the Greyhound suffered several wounds to her neck, chest and legs following a dog fight while being transported to the Traralgon Greyhound Racing Club in the same vehicle as other greyhounds.
4. On 3 March 2019, and after being left by you in an emergency kennel at the Traralgon Greyhound Racing Club since 1 March 2019, the Greyhound was presented to Maffra Veterinary Clinic by registered trainer Lyn Smith (Member No. 25092) after she found the Greyhound on the floor of the kennel.
5. Between 1 March 2019 (when the Greyhound suffered the wounds to her neck, chest and legs) and 3 March 2019 (when the Greyhound was presented to Maffra Veterinary Clinic by Lyn Smith), you failed to provide veterinary attention to the Greyhound when such veterinary attention was necessary.
6. As a result of your failure to provide veterinary attention to the Greyhound between 1 March 2019 and 3 March 2019, the Greyhound was subjected to unnecessary pain and suffering.

**Plea:** Guilty

**DECISION**

1. Ms Cassandra Barnard is a registered trainer and was at all material times the trainer of the greyhound ‘Extra Cuddles’.
2. Stewards of Greyhound Racing Victoria (‘GRV’) have charged Ms Barnard under Greyhounds Australasia Rule (‘GAR’) 106(1)(d) with failing to provide veterinary attention when necessary. Ms Barnard has also been charged under GAR106(2) for failing to exercise such reasonable care and supervision as may be necessary to prevent unnecessary pain and suffering to a greyhound. Ms Barnard has pleaded guilty to the offences.
3. Extra Cuddles was transported to emergency kennels at the Traralgon Greyhound Racing Club by Mr Parr, a registered participant, and his partner Ms Thompson. Ms Barnard sought their assistance to transport her greyhounds to Traralgon as a result of the Bunyip bush fire.
4. On 1 March 2019, Ms Thompson loaded several greyhounds into her vehicle. The last greyhound loaded was Extra Cuddles, who was immediately attacked by other greyhounds. She sustained significant injuries. She had several deep wounds to her neck, chest and legs. Ms Barnard was aware immediately of the injuries sustained by Extra Cuddles in the fight. Ms Thompson observed Ms Barnard dip a cloth in cold water and washed the affected areas. Ms Barnard told Ms Thompson that she could not afford to take Extra Cuddles to a vet.
5. Mr Parr and Ms Thompson transported Extra Cuddles to Traralgon, where Mr Parr stitched an affected area without anaesthesia. Mr Parr has no veterinary qualifications. No medication was given to Extra Cuddles. Mr Parr and Ms Thompson told Ms Barnard that the greyhound required veterinary treatment. Ms Barnard visited her greyhounds at Traralgon on 2 and 3 March, but did not arrange for Extra Cuddles to be treated. Ms Barnard now understands that the greyhound would have been in pain and that she should have taken her to a veterinary surgeon.
6. As a result of Ms Barnard’s failure to seek veterinary treatment between 1 and 3 March 2019. Extra Cuddles experienced unnecessary pain and suffering according to GRV Industry Veterinarian, Dr Victoria Cole.
7. On 3 March 2019, an industry participant, Ms Lyn Smith, saw Extra Cuddles in an extremely distressed state at Traralgon and took her to the Maffra Veterinary Clinic, where she was euthanised with the agreement of Ms Barnard on 4 March 2019.
8. In setting penalties in this matter, we take into account general and specific deterrence and the importance of animal welfare. We also take into account the guilty pleas, Ms Barnard’s remorse and penalties given in like recent cases. We stress that animal cruelty is to be deplored and its occurrence gives ammunition to those that would seek to ban the sport.
9. In all the circumstances, we impose a fine of $1,500 on Ms Barnard for the breach of GAR106(1)(d). On the charge under GAR106(2), we impose a penalty of 3 years disqualification. Such disqualification is to commence immediately.
10. Finally, we observe that in some recent cases involving breaches of the rules in question here, some trainers have used the excuse of not being able to afford veterinary treatment. It is not a valid excuse. If a trainer cannot afford treatment to prevent pain and suffering to a greyhound, that person should not be a trainer. However, we note that at the time Ms Barnard was suffering from bipolar depression and was off her medication.

Mark Howard
Registrar, Victorian Racing Tribunal