20 April 2020

**DECISION**

**GREYHOUND RACING VICTORIA**

**and**

**MR CHRISTOPHER MORRIS**

**Date of hearing:** 16 April 2020

**Panel:** Judge John Bowman (Chairperson) and Justice Shane Marshall (Deputy Chairperson).

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

Mr Christopher Morris did not appear at the hearing.

**Charges:** **Greyhound Australasia Rule (GAR) 106 (1)(a) – Proper care (welfare) of greyhounds**

1. A registered person must ensure that greyhounds, which are in the person’s care or custody, are provided at all times with –
2. Proper and sufficient food, drink and protective apparel;

**GAR 106 (2) – Proper care (welfare) of greyhounds**

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**

You, being a person registered with Greyhound Racing Victoria (GRV), failed to ensure that a greyhound, which was in your care or custody, was provided at all times with proper and sufficient food, in that:

1. You were, at all relevant times, a trainer registered with GRV (Member No. 238638) and a person bound by the GAR and Local Rules of Racing (LR).
2. You did, at all relevant times, have the care or custody of the greyhound *Wendy Can’t Run* (Microchip Number: 956000003663518; Ear Brand: VDFXN) (**the Greyhound**) until 13 November 2018, when the Greyhound was surrendered to Knox City Council.
3. On 13 November 2018, Mr Rhys Holder (Community Laws Officer at Knox City Council) attended your kennel address, namely 1/1 Girdwood Road, Boronia, for an inspection and observed that the Greyhound was not provided with food.
4. On 15 November 2018, the Greyhound was examined by Veterinarian Dr Tamsin Gowers, who concluded that:
	1. The Greyhound was emaciated; and
	2. The Greyhound’s clinical presentation reflected the failure to provide food to ensure freedom from hunger.
5. You failed to provide the Greyhound with proper and sufficient food at all times in the period up to and including 13 November 2018.

**Charge 2**

You, being a person registered with GRV, failed to ensure that a greyhound, which was in your care or custody, was provided at all times with proper and sufficient food, in that:

1. You were, at all relevant times, a trainer registered with GRV (Member No. 238638) and a person bound by the GAR and LR.
2. You did, at all relevant times, have the care or custody of an unnamed greyhound (Microchip Number: 956000004316217; Ear Brand: NEGFR) (**the Greyhound**) until 13 November 2018, when the Greyhound was surrendered to Knox City Council.
3. On 13 November 2018, Mr Rhys Holder (Community Laws Officer at Knox City Council) attended your kennel address, namely 1/1 Girdwood Road, Boronia, for an inspection and observed that the Greyhound was not provided with food.
4. On 15 November 2018, the Greyhound was examined by Veterinarian Dr Tamsin Gowers, who concluded that:
	1. The Greyhound was of a thin weight; and
	2. The Greyhound’s clinical presentation reflected the failure to provide food to ensure freedom from hunger.
5. You failed to provide the Greyhound with proper and sufficient food at all times in the period up to and including 13 November 2018.

**Charge 3**

You, being a person registered with GRV, failed to exercise such reasonable care and supervision as was necessary to prevent a greyhound pursuant to your care or custody from being subjected to unnecessary pain or suffering, in that:

1. You were, at all relevant times, a trainer registered with GRV (Member No. 238638) and a person bound by the GAR and LR.
2. You did, at all relevant times, have the care or custody of the greyhound *Wendy Can’t Run* (Microchip Number: 956000003663518; Ear Brand: VDFXN) (**the Greyhound**) until 13 November 2018, when the Greyhound was surrendered to Knox City Council.
3. On 15 November 2018, the Greyhound was examined by Veterinarian Dr Tamsin Gowers, who concluded that:
	1. The Greyhound was emaciated;
	2. The Greyhound’s clinical presentation reflected the failure to provide food to ensure freedom from hunger; and
	3. The Greyhound was in a severe amount of suffering.
4. You failed to exercise reasonable care and supervision to prevent the Greyhound from being subjected to unnecessary pain or suffering in the period up to and including 13 November 2018.

**Charge 4**

You, being a person registered with GRV, failed to exercise such reasonable care and supervision as was necessary to prevent a greyhound pursuant to your care or custody from being subjected to unnecessary pain or suffering, in that:

1. You were, at all relevant times, a trainer registered with GRV (Member No. 238638) and a person bound by the GAR and LR.
2. You did, at all relevant times, have the care or custody of an unnamed greyhound (Microchip Number: 956000004316217; Ear Brand: NEGFR) (**the Greyhound**) until 13 November 2018, when the Greyhound was surrendered to Knox City Council.
3. On 15 November 2018, the Greyhound was examined by Veterinarian Dr Tamsin Gowers, who concluded that:
	1. The Greyhound was of a thin body condition;
	2. The Greyhound’s clinical presentation reflected the failure to provide food to ensure freedom from hunger; and
	3. The Greyhound was in a moderate amount of suffering.
4. You failed to exercise reasonable care and supervision to prevent the Greyhound from being subjected to unnecessary pain or suffering in the period up to and including 13 November 2018.

**Plea:** Guilty

**DECISION**

1. Mr Christopher Morris has been charged with four offences related to animal cruelty as a result of a local government officer finding two unwell and emaciated greyhounds at his property.
2. The first charge is under GAR 106(1)(a) and concerns Mr Morris’ failure to provide proper and sufficient food to the greyhound ‘Wendy Can’t Run’ up to and including 13 November 2018.
3. The second charge is also under GAR 106 (1)(a) and relates to an unnamed greyhound.
4. The third and fourth charges are under GAR 106(2) and relate to Mr Morris’ failure to take care of the greyhounds which were subject to unnecessary pain and suffering.
5. There is evidence before the Tribunal that the greyhounds were in pain and suffering.
6. The charges against Mr Morris are very serious but he has not co-operated with the Stewards. He has also chosen not to appear before the Tribunal. His greyhounds were left by him in a terrible condition. No greyhound should be left in pain and suffering as a result of neglectful conduct by a registered participant. In all the circumstances, taking into account animal welfare and general deterrence we impose a 5 year disqualification on the first charge under GAR 106(2). We impose an additional 5 year disqualification on the second charge under GAR 106(2). But make only 3 years of that penalty cumulative making a total of 8 years disqualification commencing on 20 December 2018. On the first charge under GAR 106(1)(a) we impose a $1,000 fine and impose no extra penalty on the second charge under GAR 106(1)(a).

Mark Howard
Registrar, Victorian Racing Tribunal