21 December 2022

**DECISION**

**GREYHOUND RACING VICTORIA**

**and**

**IAN ANDERSON**

**Date of hearing:** 6 December 2022

**Panel:** Judge John Bowman (Chairperson), Judge Graeme Hicks (Deputy Chairperson) and Mr Josh Bornstein.

**Appearances:** Mr Patrick Considine, instructed by Mr Anthony Pearce appeared on behalf of the Stewards.

Mr Ian Anderson did not attend the hearing.

**Charges and particulars:** **Charge No. 1 of 9**

Greyhounds Australasia Rule 86 (d) reads as follows:

GAR 86: A person (including an official) shall be guilty of an offence if the person - (d) being an owner, trainer, attendant or person having official duties in relation to greyhound racing, makes a false or misleading statement in relation to an investigation, examination, test or inquiry, or makes or causes to be made a falsification in a document in connection with greyhound racing or the registration of a greyhound.

**Particulars of the Charge being:**

1. THAT you are and were at all relevant times a public trainer and breeder licenced by Greyhound Racing Victoria (GRV) (member number 317051) and a person bound by the Greyhounds Australasia Rules (GAR) and Local Racing Rules (LRR);

2. THAT on 24 July 2019 during a Inquiry with GRV Investigative Stewards, you made false and/or misleading statements in relation to an investigation regarding the burial of registered greyhounds on or adjacent to your property, in that you stated: Chairman: Now, have you buried any dogs on this property? Mr Anderson: No, we haven't. Chairman: There's nothing over in the bushland? Mr Anderson:

**Charge No. 2 of 9**

Greyhounds Australasia Rule 86 (d) reads as follows:

GAR 86: A person (including an official) shall be guilty of an offence if the person - (d) being an owner, trainer, attendant or person having official duties in relation to greyhound racing, makes a false or misleading statement in relation to an investigation, examination, test or inquiry, or makes or causes to be made a falsification in a document in connection with greyhound racing or the registration of a greyhound.

**Particulars of the Charge being:**

1. THAT you are and were at all relevant times a public trainer and breeder licenced by Greyhound Racing Victoria (GRV) (member number 317051) and a person bound by the Greyhounds Australasia Rules (GAR) and Local Racing Rules (LRR);

2. THAT on 24 July 2019 during a Inquiry with GRV Investigative Stewards, you made false and/or misleading statements in relation to an investigation regarding the rehoming of four registered racing greyhounds, (‘Pacific Reef’ (Microchip no: 9560000003261173), Pacific Dreamer’ (Microchip no: 9560000003261651), ‘Dark Stealth’ (Microchip no: 956000004322508), and ‘Stealthy Flight’ (Microchip no: 956000004858594), (‘the greyhounds’) in that you stated: Chairman: Now, you rehomed 4 dogs in May to your brother? Was that correct? Mr Anderson: Yes, yes. Chairman: Okay. Where is he living? In Queensland? Mr Anderson: Yeah, in Queensland.

**Charge No. 3 of 9**

Greyhounds Australasia Rule 86 (d) which reads as follows:

GAR 86: A person (including an official) shall be guilty of an offence if the person - (d) being an owner, trainer, attendant or person having official duties in relation to greyhound racing, makes a false or misleading statement in relation to an investigation, examination, test or inquiry, or makes or causes to be made a falsification in a document in connection with greyhound racing or the registration of a greyhound.

**Particulars of the Charge being:**

1. THAT you are and were at all relevant times a public trainer and breeder licenced by Greyhound Racing Victoria (GRV) (member number 317051) and a person bound by the Greyhounds Australasia Rules (GAR) and Local Racing Rules (LRR);

2. THAT on 24 July 2019 during a Inquiry with GRV Investigative Stewards, you made false and/or misleading statements in relation to an investigation regarding the manner in which four registered racing greyhounds (‘Pacific Reef’ (Microchip no: 9560000003261173), Pacific Dreamer’ (Microchip no: 9560000003261651), ‘Dark Stealth’ (Microchip no: 956000004322508), and ‘Stealthy Flight’ (Microchip no: 956000004858594), (‘the greyhounds’) were found deceased in that you stated: Chairman: Yeah, so how did they end up in the pit? Mr Anderson: Well, you work it out. Chairman: All right, so how did they die? Were they shot, were they hit? What happened? Mr Anderson: They were shot. Chairman: They were shot? Mr Anderson: Yep. Chairman: Who shot them? Mr Anderson: I did.

3. THAT expert autopsy reports indicate blunt force trauma was the cause of death.

**Charge No. 4 of 9**

Greyhounds Australasia Rule 86 (o) reads as follows:

GAR86 A person shall be guilty of an offence if the person - (o) 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. THAT you were at all relevant times a public trainer licensed by Greyhound Racing Victoria (Number 317051) and a person bound by the Greyhound Australasia Rules and the Local Racing Rules.

2. THAT you were at all relevant times the trainer and one of the persons responsible for the care and custody of registered greyhounds at your GRV registered kennelling premises.

3. THAT you have, in relation to four registered racing greyhounds, (‘Pacific Reef’ (Microchip no: 9560000003261173), Pacific Dreamer’ (Microchip no: 9560000003261651), ‘Dark Stealth’ (Microchip no: 956000004322508), and ‘Stealthy Flight’ (Microchip no: 956000004858594), (‘the greyhounds’) and greyhound racing, done a thing, and acted in a manner, which in the opinion of the Stewards, is improper and/or constitutes misconduct, in that you:

(i) subjected ‘the greyhounds’ to severe pain and suffering;

(ii) further and in the alternative, caused the death of ‘the greyhounds’ by using blunt force trauma to the skull;

(iii) further and in the alternative, you provided false and misleading information to GRV Investigative Stewards on 24 July 2019 during an investigation into the location and status of 'the greyhounds', in that you suggested they were not buried in bushland near your premises, and had been rehomed with your brother in Queensland;.

(iv) further and in the alternative, you caused FastTrack records relating to the location and status of 'the greyhounds' to be false or misleading, in that 'the greyhounds' were reported and remained as "Pet – A Third Party" on FastTrack effective from 24 May 2019.

**Charge No. 5 of 9**

Greyhounds Australasia Rule 106 (2) reads as follows:

GAR106(2) A registered person must exercise such reasonable care and supervision as may be necessary to prevent greyhounds pursuant to the persons care or custody from being subjected to unnecessary pain or suffering.

**Particulars of the Charge being:**

1. THAT you were at all relevant times a public trainer licensed by Greyhound Racing Victoria (Number 317051) and a person bound by the Greyhound Australasia Rules and the Local Racing Rules;

2. THAT on a date between 7 May 2019 and 24 July 2019, you failed to exercise reasonable care and supervision to prevent the greyhound ‘Pacific Reef’ (Microchip no: 9560000003261173), which was in your care or custody, from being subjected to unnecessary pain and/or suffering.

3. THAT ‘Pacific Reef’ (Microchip no: 9560000003261173) was examined by a Pathologist Dr. Chen who observed a peri-mortem head trauma with depressed and comminated fracture to the calvarium/top of the brain case. This pattern of fracture is consistent with blunt force trauma to the top of the skull. 4. THAT you subjected ‘Pacific Reef’ (Microchip no: 9560000003261173) to unnecessary pain and/or suffering by inflicting blunt force trauma to the top of the skull.

**Charge No. 6 of 9**

Greyhounds Australasia Rule 106 (2) which reads as follows: GAR106(2) A registered person must exercise such reasonable care and supervision as may be necessary to prevent greyhounds pursuant to the persons care or custody from being subjected to unnecessary pain or suffering.

**Particulars of the Charge being:**

1. THAT you were at all relevant times a public trainer licensed by Greyhound Racing Victoria (Number 317051) and a person bound by the Greyhound Australasia Rules and the Local Racing Rules;

2. THAT on a date between 7 May 2019 and 24 July 2019, you failed to exercise reasonable care and supervision to prevent the greyhound Pacific Dreamer’ (Microchip no: 9560000003261651), which was in your care or custody, from being subjected to unnecessary pain and/or suffering.

3. THAT Pacific Dreamer’ (Microchip no: 9560000003261651), was examined by a Pathologist Dr. Chen who observed a peri-mortem head trauma with depressed and comminated fracture to the calvarium/top of the brain case. This pattern of fracture is consistent with blunt force trauma to the top of the skull.

4. THAT you subjected ‘Pacific Dreamer’ (Microchip no: 9560000003261651), to unnecessary pain and/or suffering by inflicting blunt force trauma to the top of the skull.

**Charge No. 7 of 9**

Greyhounds Australasia Rule 106 (2) which reads as follows: GAR106(2) A registered person must exercise such reasonable care and supervision as may be necessary to prevent greyhounds pursuant to the persons care or custody from being subjected to unnecessary pain or suffering.

**Particulars of the Charge being:**

1. THAT you were at all relevant times a public trainer licensed by Greyhound Racing Victoria (Number 317051) and a person bound by the Greyhound Australasia Rules and the Local Racing Rules;

2. THAT on a date between 7 May 2019 and 24 July 2019, you failed to exercise reasonable care and supervision to prevent the greyhound Dark Stealth’ (Microchip no: 956000004322508), which was in your care or custody, from being subjected to unnecessary pain and/or suffering;

3. THAT Dark Stealth’ (Microchip no: 956000004322508), was examined by a Pathologist Dr. Chen who observed extensive fractures to the calvarium, mostly from the right rostral aspect. 4. THAT you subjected ‘Dark Stealth’ (Microchip no: 956000004322508), ‘to unnecessary pain and/or suffering by inflicting blunt force trauma to the top of the skull.

**Charge No. 8 of 9**

Greyhounds Australasia Rule 106 (2) which reads as follows: GAR106(2) A registered person must exercise such reasonable care and supervision as may be necessary to prevent greyhounds pursuant to the persons care or custody from being subjected to unnecessary pain or suffering.

**Particulars of the Charge being:**

1. THAT you were at all relevant times a public trainer licensed by Greyhound Racing Victoria (Number 317051) and a person bound by the Greyhound Australasia Rules and the Local Racing Rules;

2. THAT on a date between 7 May 2019 and 24 July 2019, you failed to exercise reasonable care and supervision to prevent the greyhound Stealthy Flight’ (Microchip no: 956000004858594), which was in your care or custody, from being subjected to unnecessary pain and/or suffering;

3. THAT Stealthy Flight’ (Microchip no: 956000004858594), was examined by a Pathologist Dr. Chen who observed a peri-mortem head trauma with depressed and comminated fracture to the calvarium/top of the brain case.

4. THAT you subjected Stealthy Flight’ (Microchip no: 956000004858594), to unnecessary pain and/or suffering by inflicting blunt force trauma to the top of the skull.

**Charge No. 9 of 9**

Greyhounds Australasia Rule 86 (q) which reads as follows:

GAR86 Offences A person shall be guilty of an offence if the person - (q) commits or omits to do any act or engages in conduct which is in any way detrimental or prejudicial to the interest, welfare, image, control or promotion of greyhound racing.

**Particulars of the Charge being:**

1. THAT you were at all relevant times a public trainer licensed by Greyhound Racing Victoria (Number 317051) and a person bound by the Greyhound Australasia Rules and the Local Racing Rules.

2. THAT you were at all relevant times the trainer and one of the persons responsible for the care and custody of registered greyhounds at your GRV registered kennelling premises.

3. THAT on a date between 7 May 2019 and 24 July 2019, you have, in relation to four registered racing greyhounds, (‘Pacific Reef’ (Microchip no: 9560000003261173), Pacific Dreamer’ (Microchip no: 9560000003261651), ‘Dark Stealth’ (Microchip no: 956000004322508), and ‘Stealthy Flight’ (Microchip no: 956000004858594), (‘the greyhounds’) engaged in conduct which was detrimental to the image, control and promotion of greyhound racing, in that you:

(i) subjected ‘the greyhounds’ to severe pain and suffering;

(ii) further and in the alternative, caused the death of ‘the greyhounds’ by using blunt force trauma to the skull;

(iii) further and in the alternative, you provided false and misleading information to GRV Investigative Stewards on 24 July 2019 during an investigation into the location and status of 'the greyhounds', in that you suggested they were not buried in bushland near your premises, and had been rehomed with your brother in Queensland;

(iv) further and in the alternative, you caused FastTrack records relating to the location and status of 'the greyhounds' to be false or misleading, in that 'the greyhounds' were reported and remained as "Pet – A Third Party" on FastTrack effective from 24 May 2019.

**Pleas:** Not Guilty

**DECISION**

This matter has a long and unfortunate history. Not only is it a case that arose from what could only be described as appalling charges, it has been long delayed in reaching a hearing.

At all relevant times, Mr Ian Anderson was a licensed trainer. Initially, and for a lengthy period, Mr Anderson was assisted and represented by an unqualified person, which is entirely his right. However, this period in the history of the case was marked by attempts at technical arguments, sometimes of little or no real merit. In the interests of fairness, Rulings were required, but the progress towards a hearing date was slow. At this time, it was foreshadowed by Mr Anderson’s advisor that the case would run over a considerable number of days. Many things were in issue.

Eventually, that advisor disappeared from the scene, and was replaced by a solicitor, Mr Brian Cash. The Tribunal accepts that Mr Cash, although virtually, if not completely, retired, made every effort to progress the matter, but to no avail. We also accept that he made attempts to communicate with his client and obtain instructions. There were difficulties in so doing. We understand that Mr Anderson was hospitalised at some stage and getting instructions generally was difficult. Whilst Mr Cash endeavoured to progress the case, eventually he ceased to act for Mr Anderson. Mr Cash also was not in the best of health. There were a number of Directions Hearings and adjournments during this period.

After further endeavours to bring the matter on, ultimately a hearing date was fixed. Mr Anderson was failing to respond to any correspondence or communications at this time. Some time after the case had been fixed for hearing on 6 December last, and this had been communicated to the only telephone numbers and addresses known, Mr Anderson did make contact with the Registrar. In essence, he stated that he would not be attending or be represented at the hearing. Further, he wanted no further contact about the matter. He would not be taking part in the hearing and was having nothing more to do with the greyhound racing industry. The Registrar again tried to contact Mr Anderson, including on the morning of the hearing date, but in vain.

In those circumstances, the hearing went ahead without Mr Anderson. We treated the situation as being that there had been pleas of not guilty and that the Stewards had to prove each charge. We say now that they did this to our comfortable satisfaction. They also addressed the question of penalty in each of the nine charges. We shall come to that after a brief summary of the proven offences.

The nine charges centre on the deaths of four registered greyhounds. Those greyhounds were “Pacific Reef”, “Pacific Dreamer”, “Dark Stealth” and “Stealthy Flight”. In relation to each death, Mr Anderson was charged pursuant to Greyhounds Australasia Rule (“GAR”) 106(2). The death of each dog was due to blunt force trauma to the skull. The trauma involved the use of a rock or rocks. Each dog was then buried in a pit in a paddock on a farm at Kemot occupied by Mr Anderson. These events occurred between 7 May and 24 July 2019. Each dog had been in the care or custody of Mr Anderson. The circumstances form the bases of Charges 4, 5, 6 and 7. We accept the evidence of the Stewards in relation to each charge. We are comfortably satisfied that each charge has been proven and that Mr Anderson is guilty of each offence.

Turning to Charges 1, 2 and 3, these are pursuant to GAR 86(d). In summary form, each relates to the making of false or misleading statements to the Stewards. Each is based on answers given by Mr Anderson when interviewed by the Stewards on 24 July 2019. Charge 1 concerns his telling the Stewards that there were no greyhounds buried on the property. Charge 2 involves his telling the Stewards that the four dogs in question had been rehomed with his brother in Queensland. Charge 3 relates to Mr Anderson then telling them that he had shot the four dogs. Again, we are comfortably satisfied that each charge has been proven. Mr Anderson is guilty of each offence.

Charge 8 is pursuant to GAR 86(o). That sub-Rule relates to negligent, dishonest, corrupt or improper behaviour constituting misconduct. This charge essentially involves all of the above behaviour, with the addition that Mr Anderson caused false and misleading statements to be on FastTrack to the effect that each dog was a “Pet – A Third Party”, this being effective from 24 May 2019. Charge 8 has been proved to our comfortable satisfaction.

Charge 9 is pursuant to GAR 86(q). This sub-Rule concerns conduct which is in any way detrimental to the interest, welfare, image, control or promotion of greyhound racing. Essentially, the same matters as those set out in the above paragraphs are relied upon, including the addition of the FastTrack allegation referred to in the preceding paragraph. Charge 9 has been proved to our comfortable satisfaction.

We turn now to the question of penalty. We have already foreshadowed that we have found the charges proven and that we are accepting the submissions of the Stewards in relation to the penalties for the various charges.

We would make the following observations. These charges are based upon dreadful behaviour with the potential to be very damaging to the whole reputation and perception of the greyhound industry. It is so because of the blatant and unforgivable cruelty to the four dogs and the wilful dishonesty surrounding it. It is a sickening saga which warrants no further comment.

In relation to penalties, we impose the following:

On Charge 1, disqualification for two years.

On Charges 2 and 3, disqualification for two years on each, each concurrent with the penalty for Charge 1.

On Charges 4, 5, 6, 7, 8 and 9, disqualification for life on each charge.

Mark Howard
Registrar, Victorian Racing Tribunal