2 March 2022

**DECISION**

**GREYHOUND RACING VICTORIA**

**and**

**KATHERINE BROOKS**

**Date of hearing:** 22 February 2022

**Panel:** Justice Shane Marshall (Deputy Chairperson) and Dr June Smith.

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

Ms Katherine Brooks did not attend the hearing.

**Charges:** Greyhounds Australasia Rule (“GAR”) 86(o) states:

 A person (including an official) 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 is negligent, dishonest, corrupt, fraudulent or improper or constitutes misconduct.

Local Racing Rule (“LR”) 42.9(a) states:

Where a greyhound has died (whether due to natural causes, accident, misadventure, euthanasia or otherwise):

(a) within 2 working days of the date of death (and prior to disposal of the body of the deceased greyhound), the Owner or person responsible for the greyhound must notify the Board in the prescribed form of the death of the greyhound and provide a veterinary certificate of euthanasia where available.

LR 42.6(i) states:

(i) An Owner must:

(i) keep detailed records of their compliance with LR 42.6; and

(ii) provide records and evidence kept under this rule to a Steward or authorised officer of the Board on request.

**Particulars of charges: Charge 1: GAR 86(o)**

1. You were, at all relevant times, a owner/breeder registered with Greyhound Racing Victoria (“GRV”) (Member No. 50732) and a person bound by the Greyhounds Australasia Rules (“GAR”) and Local Racing Rules (“LR”).
2. Between 1 July 2020 and 24 November 2020, you were the registered owner of approximately thirty (30) greyhounds (as per attached list) kennelled on the property situated in Rupanyup, Victoria (“the kennelling address”).
3. During this time, you have, in relation to these greyhounds, engaged in conduct which in the opinion of the Stewards is negligent, improper or constitutes misconduct, in that:

(i) you abandoned the greyhounds when you vacated the registered kennelling address;

(ii) you did not provide any financial assistance for the continued care or well-being of the greyhounds;

(iii) you did not make any reasonable efforts as the registered owner to rehome the greyhounds.

List of Greyhounds:

1. “Lady Pippa” (VEOTX).
2. “Saucy Sav” (VFLWL).
3. “Call Me Minion” (VDHLQ).
4. “Bellini Martini” (VCKIX).
5. “Major Lachy” (QDAFG).
6. “Thunder Opal” (NCEJT).
7. Un-named (VDHLO) - Fawn bitch from “Nitro Burst”/“Typhoon Mahte” Litter whelped 2014.
8. Un-named (VDHLP) - Black bitch from “Nitro Burst”/“Typhoon Mahte” Litter whelped 2014.
9. Un-named (VDHLR) - Black bitch from “Nitro Burst”/“Typhoon Mahte” Litter whelped 2014.
10. Un-named (VDHLS) - Black bitch from “Nitro Burst”/“Typhoon Mahte” Litter whelped 2014.
11. “Broke As Darcy” (VECXO).
12. “Morta Bella” (VDSLO).
13. “Bald Wal” (QDCAH).
14. “Baroness Jane” (VBQSG).
15. “Powerful Senor” (NDHIC).
16. “Iroquois Sharman” (NECAE).
17. “Raglan Bindi” (NDHHZ).
18. “Slipaway Penny” (VAIMQ).
19. “Stella Story” (VESMG).
20. “Zelemar Jim” (VESDT).
21. “Dark Origins” (VEQPN).
22. “Wynonna Earp” (VEQPO).
23. “Gypsy Magic” (VBJ 6539).
24. Un-named (VEDCI).
25. Un-named (VDHLN).
26. “Oriental Panther” (VFGRR).
27. “Paper Cuts” (VCSWH).
28. “Typhoon Mahte” (VFF 0343).
29. “Iroquois Souljah” (VCMRR).
30. “What Bill” (VFHPW)

**Charge 2: LR 42.9(a)**

1. You were, at all relevant times, an owner/breeder registered with Greyhound Racing Victoria (“GRV”) (Member No. 50732) and a person bound by the Greyhounds Australasia Rules (“GAR”) and Local Racing Rules (“LR”).
2. You were at all relevant times the registered Owner of greyhounds housed at your GRV registered kennelling premises in Rupanyup, Victoria.
3. Between 2017 and 2019, ten (10) registered greyhounds (as per attached list) were found deceased at your registered kennelling premises.
4. You did not, within 2 working days of the date of death of these ten (10) greyhounds, notify Greyhound Racing Victoria Board of the death of the said greyhounds.

List of Greyhounds:

1. Un-named (VEDCI) – Black/White dog from “Sure As”/“Spin A Yarn” Litter whelped 2015.
2. Un-named (VEDCL) – Black/White bitch from “Sure As”/“Spin A Yarn” Litter whelped 2015.
3. Un-named (VEDCM) - Black/White bitch from “Sure As”/“Spin A Yarn” Litter whelped 2015.
4. Un-named (VDHLM) – Black dog from “Nitro Burst”/“Typhoon Mahte” Litter whelped 2014.
5. Un-named (VDHLN) – Fawn dog “Nitro Burst”/“Typhoon Mahte” Litter whelped 2014.
6. “Oriental Panther” (VFGRR).
7. “Paper Cuts” (VCSWH).
8. “Typhoon Mahte” (VFF 0343).
9. “Iroquois Souljah” (VCMRR).
10. “What Bill” (VFHPW).

**Charge 3: LR 42.6(i)**

1. You were, at all relevant times, an owner/breeder registered with Greyhound Racing Victoria (“GRV”) (Member No. 50732) and a person bound by the Greyhounds Australasia Rules (“GAR”) and Local Racing Rules (“LR”).
2. You were at all relevant times, the Owner of twenty three (23) registered greyhounds (as per attached list) that were rehomed to various third parties between 1 July 2020 and 24 November 2020.
3. You failed to keep detailed records of your compliance with LR 42.6, in particular, you failed to keep any records of the new owners or their locations in relation to the rehoming of the twenty three (23) registered greyhounds.

List of Greyhounds:

1. “Lady Pippa” (VEOTX).
2. “Saucy Sav” (VFLWL).
3. “Call Me Minion” (VDHLQ).
4. “Bellini Martini” (VCKIX).
5. “Major Lachy” (QDAFG).
6. “Thunder Opal” (NCEJT).
7. Un-named (VDHLO) - Fawn bitch from “Nitro Burst”/“Typhoon Mahte” Litter whelped 2014.
8. Un-named (VDHLP) - Black bitch from “Nitro Burst”/“Typhoon Mahte” Litter whelped 2014.
9. Un-named (VDHLR) - Black bitch from “Nitro Burst”/“Typhoon Mahte” Litter whelped 2014.
10. Un-named (VDHLS) - Black bitch from “Nitro Burst”/“Typhoon Mahte” Litter whelped 2014.
11. “Broke As Darcy” (VECXO).
12. “Morta Bella” (VDSLO).
13. “Bald Wal” (QDCAH).
14. “Baroness Jane” (VBQSG).
15. “Powerful Senor” (NDHIC).
16. “Iroquois Sharman” (NECAE).
17. “Raglan Bindi” (NDHHZ).
18. “Slipaway Penny” (VAIMQ).
19. “Stella Story” (VESMG).
20. “Zelemar Jim” (VESDT).
21. “Dark Origins” (VEQPN).
22. “Wynonna Earp” (VEQPO).
23. “Gypsy Magic” (VBJ 6539).

**Pleas:** Not guilty to all charges

**DECISION**

**CHARGE 1**

1. Ms Katherine Brooks was a registered greyhound trainer prior to 1 July 2020 and thereafter has been registered as an owner only. She was a registered owner from 1 July 2020 to at least 24 November 2020, when Investigative Stewards from Greyhound Racing Victoria (“GRV”) visited her registered kennel address in Rupanyup, Victoria.
2. Ms Brooks had not been at the kennel address since earlier in 2020. In March 2020 she moved to Bendigo and by July 2020 she had left the kennel address permanently. She left the greyhounds on the Rupanyup property where her husband, Mr Douglas Blake, continued to reside. Mr Blake was a registered attendant. He rehomed most of the greyhounds. It was not his responsibility to do so. That obligation lay with Ms Brooks as the registered owner. Ms Brooks provided no assistance to Mr Blake in rehoming the greyhounds.
3. Stewards of GRV have charged Ms Brooks under Greyhounds Australasia Rule (“GAR”) 86(o) with doing a thing which is negligent, improper, or which constitutes misconduct in relation to a greyhound.
4. Ms Brooks, as registered owner, abandoned her greyhounds from at least 1 July 2020. That constitutes misconduct. Ms Brooks made no arrangements with Mr Blake to secure their welfare. We are comfortably satisfied that the charge is made out. The offence is a very serious one. Ms Brooks abandoned greyhounds owned by her and took no active steps to make sure those greyhounds were treated humanely and/or properly rehomed, with notice to GRV.
5. In all the circumstances, we impose a penalty of 21 months disqualification on this charge. In doing so, we have taken into account Ms Brooks’ prior good record, cooperation with the Stewards and her difficult personal circumstances. Otherwise, the penalty may have been considerably higher.

**CHARGE 2**

1. In the period 2017 to 2019, ten registered greyhounds were found deceased at Ms Brooks kennel address. Ms Brooks was the registered trainer of the greyhounds. At no stage within two working days of each death did Ms Brooks provide notice to the GRV Board of the deaths. This is contrary to Local Racing Rule (“LR”) 42.9(a), which imposes that requirement in a prescribed form, together with an obligation to provide a veterinary certificate of euthanasia where available. Adherence to this Rule enables GRV to follow through on the welfare of each registered greyhound. Ms Brooks was, at the time, the registered owner and trainer of the greyhounds.
2. For a breach of this Rule, we impose a penalty of three months disqualification, wholly suspended pending no further breach of this Rule in the next three years. In setting that penalty, we have taken into account Ms Brooks previous good record and her particularly difficult personal circumstances at the time, as well as her cooperation with the Stewards in this matter. This includes making appropriate admissions regarding this charge.

**CHARGE 3**

1. In relation to charge 3, from 1 July 2020 to 24 November 2020 GRV assert that Ms Brooks rehomed 23 greyhounds owned by her to various third parties. They say that in doing so she failed to keep records of the new owners and their locations and thereby breached LR 42.6(i) which requires the keeping of such records. This is a Rule designed to help keep track of the welfare of greyhounds. We find the charge made out. Even though Ms Brooks did not personally engage in the rehoming herself, it appears that some rehoming did occur. On this charge, we impose a penalty of three months disqualification, which we make fully concurrent with the penalty imposed on Charge 1, as it arises under the same substratum of facts. The penalty imposed on this charge also takes into account the various matters referred to as ameliorating factors in relation to Charge 1.

**CONCLUSION**

1. The total penalty is a period of 21 months disqualification, which shall commence today.

Kathleen Scully
Assistant Registrar, Victorian Racing Tribunal