13 April 2022

**DECISION**

**GREYHOUND RACING VICTORIA**

**and**

**KEVIN WARD**

**Date of hearing:** 8 April 2022

**Panel:** Justice Shane Marshall (Deputy Chairperson) and Dr Andrew Gould.

**Appearances:** Mr Damien Hannan, instructed by Mr Marwan El-Asmar, appeared on behalf of the Stewards.

Mr Brendan Wilkinson represented Mr Kevin Ward.

Mr Michael Schulze appeared as a witness.

**Charges and particulars:** **Charge 1**

Local Racing Rule (“LR”) 42.1 states:

It is a Serious Offence if a person keeps a greyhound in conditions which are dangerous or detrimental to the health.

1. You were, at all relevant times, a public trainer/breeder registered with Greyhound Racing Victoria (“GRV”) (Member No. 45105) and a person bound by the Greyhounds Australasia Rules (“GAR”) and Local Racing Rules (“LR”).
2. Between April 2011 and December 2020, you had the care and custody of greyhound “Alouette Lass” (Ear Brand: VDM 2353).
3. On 12 December 2020, this greyhound was found in conditions where the greyhound was not provided with suitable dry and soft bedding and the greyhound’s kennels and yard had not been cleaned and maintained in an appropriate manner, including a build-up of dirt in the kennels and a build-up of long grass in the yard.
4. These conditions in which the greyhound was kept were dangerous or detrimental to the health and safety of the greyhound.

**Charge 2**

Greyhounds Australasia Rule (“GAR”) 106 (1)(c) states:

(1) A registered person must ensure that greyhounds, which are in the person’s care or custody, are provided at all times with –

(c) Kennels constructed and of a standard approved by the Controlling Body which are adequate in size and which are kept in a clean and sanitary condition.

1. You were, at all relevant times, a public trainer/breeder registered with Greyhound Racing Victoria (“GRV”) (Member No. 45105) and a person bound by the Greyhounds Australasia Rules (“GAR”) and Local Racing Rules (“LR”).
2. Between April 2011 and December 2020, you had the care and custody of greyhound “Alouette Lass” (Ear Brand: VDM 2353).
3. On 12 December 2020, this greyhound was found in a kennel and yard which had not been cleaned, maintained regularly and appropriately which resulted in a build-up of dirt in the kennel and a build-up of long grass in the outdoor yard.
4. Between April 2011 and December 2020, the kennel housing Alouette Lass was not kept in a clean and sanitary condition.

**Charge 3**

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 –

(d) Veterinary attention when necessary.

1. You were, at all relevant times, a public trainer/breeder registered with Greyhound Racing Victoria (“GRV”) (Member No. 45105) and a person bound by the Greyhounds Australasia Rules (“GAR”) and Local Racing Rules (“LR”).
2. Between April 2011 and December 2020, you had the care and custody of greyhound “Alouette Lass” (Ear Brand: VDM 2353).
3. On 12 December 2020, Investigative Stewards located on your property, and under your care, greyhound Alouette Lass (VDM 2353) which was emaciated, dehydrated, unresponsive to stimuli, had submandibular swelling, faecal matting, and an increased pulse and respiratory rate which required veterinary treatment.
4. You failed to provide veterinary attention for this greyhound between 2 December 2020 and 12 December 2020, where upon the greyhound was then euthanised.

**Charge 4**

GAR 106(2) states:

(2) 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.

1. You were, at all relevant times, a public trainer/breeder registered with Greyhound Racing Victoria (“GRV”) (Member No. 45105) and a person bound by the Greyhounds Australasia Rules (“GAR”) and Local Racing Rules (“LR”).
2. Between April 2011 and December 2020, you had the care and custody of greyhound “Alouette Lass” (Ear Brand: VDM 2353).
3. On 12 December 2020, Investigative Stewards located on your property, and under your care, greyhound Alouette Lass (VDM 2353) which was emaciated, dehydrated, unresponsive to stimuli, had submandibular swelling, faecal matting, and an increased pulse and respiratory rate which required veterinary treatment.
4. You failed to exercise reasonable care and supervision to prevent this greyhound from being subjected to unnecessary pain or suffering.

**Pleas:** Not Guilty to all charges

**DECISION**

1. On 24 March 2022, the Tribunal found Mr Ward guilty of 4 charges. The first two concerned the state of the kennels in which a greyhound was kept. They were found to be dangerous or detrimental to the health of the greyhound. (Charge 1 under LR 42.1) and not clean or sanitary (Charge 2 under GAR 106(1)(c)) The third charge was under: under GAR 106(1)(d) and concerned the failure of Mr Ward to provide veterinary attention when necessary. The fourth charge was under GAR 106(2). It concerned Mr Ward being found guilty of failing to exercise reasonable care and supervision to prevent the greyhound from being subjected to unnecessary pain and suffering.
2. This decision should be read together with the decision of 24 March 2022. It also should be noted that Mr Ward is not entitled to any discount on penalty for a guilty plea. He pleaded not guilty and believed that it was appropriate for him to act as he did. Given that animal cruelty was involved in the facts of this matter, Mr Ward deserves a severe penalty which gives recognition to general and specific deterrence and just punishment, as well as denunciation of his appalling conduct.
3. We appreciate that Mr Ward is otherwise of good character and has not transgressed in any relevant way against the Rules of greyhound racing as an industry participant, apart from previously receiving an effective $500 fine in December 2015 for not seeking veterinary assistance. For these matters he deserves credit.
4. The most serious of all the charges is Charge 4. The greyhound concerned was subject to unnecessary pain and suffering which lasted for several days. Taking into account the gravity of the conduct and recent penalties in like matters, we impose a period of 9 months disqualification. This would have been greater but for Mr Ward’s good character and good record.
5. Charge 3 involves Mr Ward not taking the greyhound to a veterinarian when it should have been obvious to any licenced participant that such attention was necessary. This charge is related to Charge 4. On it we impose a penalty of 6 months disqualification wholly concurrent with the penalty under Charge 4.
6. On Charge 1 we impose a penalty of 3 months disqualification. We have had regard to the putrid state of the greyhounds’ kennel. We make that penalty cumulative on the penalty in Charge 4. On Charge 2 we impose the same penalty as under Charge 1, but make it wholly concurrent with the penalty under Charge 1.
7. On Charge 4, which overlaps with Charge 3, we impose a period of 3 months disqualification, but make it concurrent with the penalty under Charge 3.
8. The total penalty is a period of 12 months disqualification, which shall commence today. It takes into account the gravity of the offences, most importantly on Charge 4, the lack of remorse until today, the maintenance of a not guilty plea on all charges and to a lesser extent a prior offence back in 2015 in breach of GAR 106(1)(d).
9. In ordinary circumstances, we may have imposed a penalty of 6 months suspension on Charge 1, but, given that the penalty of disqualification of 9 months has been imposed, it would be more efficacious for the entire penalty to be one of disqualification with the disqualification period being half of the suspension that would have otherwise applied for Charge 1.
10. We also note that currently Mr Ward has no greyhounds in his care and control. He is recuperating in relation to health issues and is expected to be in North Queensland for approximately the next 5 months. We hope that he takes this opportunity of extended recuperation, before once again commencing his training, armed with the knowledge that he must take a different approach. He must not allow his retired greyhounds to die at home. That may involve unnecessary suffering.
11. Although the not guilty pleas infer a lack of contrition, we appreciate that Mr Ward now accepts that he could have handled better the matters involved in these charges.

Mark Howard  
Registrar, Victorian Racing Tribunal