15 April 2020

**DECISION**

**GREYHOUND RACING VICTORIA**

**and**

**MS PIA TRIACA**

**Date of hearing:** 11 March 2020

**Panel:** Judge John Bowman (Chairperson), Ms Judy Bourke and Ms June Smith.

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

Ms Pia Triaca did not attend the hearing.

**Charge:**  Welfare of greyhounds

Local Racing Rule 42.1 states:

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

**Particulars of charge:**

You, being a person registered with Greyhound Racing Victoria (GRV), kept greyhounds in conditions which were dangerous or detrimental to the health and safety to greyhounds, in that:

1. You were, at all relevant times, a public trainer registered with GRV and a person bound by the Greyhound Australasia Rules and Local Rules of Racing.
2. You did, at all relevant times, have the care and custody of registered greyhounds at your kennelling premises;
3. On 6 December 2018, GRV Welfare Inspectors identified greyhounds kept at your licensed premises in areas which contained an accumulation of faecal matter, pooled urine, dirty or no bedding, rusted infrastructure and no clean water supplied.
4. You kept greyhounds in conditions which were dangerous and detrimental to the health and safety of the greyhounds.

**Plea:** Not Guilty

**DECISION**

At the outset, we apologise for the delay in handing down this decision. The case was heard on 11 March 2020. On that occasion we indicated what our view was, but stated that the decision would be published at a later date.

As we then stated, there are some unusual circumstances associated with this case. We shall come to those. However apart from the case itself, as at 11 March 2020 we were without the invaluable services of our registrar. He was absent due to illness. He was tested for coronavirus, and happily the test proved negative. The Tribunal was without his in-house assistance and services for approximately a fortnight.

Next, the Tribunal effectively ceased operations at its Exhibition Street headquarters as at 16 March 2020. Again, this was because of the virus. It then took some little time to set up the system of hearing cases by telephone (and video link-ups when required). The Tribunal has since heard and decided some nine cases, hopefully improving the hearing process as we went along.

9 April 2020 was the first occasion when the same members as were present on 11 March 2020, have been involved in a subsequent case utilising a link-up. We have also directed our attention to this case. We again apologise for the delay, but to a considerable extent we have been the victim of circumstances.

Turning to the case itself, it has its unusual features. The case involves allegedly serious breaches of Local Rule 42.1 – that is, keeping greyhounds in conditions which were detrimental to their health and safety.

The laying of charges followed a visit to Ms. Triaca's licensed premises on 6 December 2018. Greyhounds were found in areas which contained an accumulation of faecal matter, pooled urine, dirty or no bedding, rusted infrastructure and no clean water. There were a large number of greyhounds kennelled on the premises.

Ms. Triaca has been a licensed person for in excess of twenty years. When interviewed by Stewards, her principal explanation was to the effect that she had failed to clean the premises because she was preparing to move to a new property. Apparently, she has since done that. Stewards have inspected the new property, which is in good condition.

A problem in this case has been the almost total lack of co-operation and communication with this Tribunal on the part of Ms. Triaca in recent times. There was some early communication. Further, there were two directions hearings. On each occasion she resisted the matter being fixed for hearing on the basis that she was obtaining legal advice. A third directions hearing was conducted. She neither appeared, rang in or answered phone calls or messages. The matter was fixed for hearing, given its history. She was messaged to this effect. Since then, she has not answered or returned any other phone calls and has not responded to messages.

The registrar estimates that he has called and messaged her without response on at least 15 to 20 occasions. We understand that the Stewards have encountered similar difficulties. As stated, the registrar was not present on the day of the hearing. However, in our presence his colleague rang Ms Triaca at least twice, with no response.

Given the circumstances and the history of the case, we proceeded with the hearing. We treated the situation as being that a plea of ‘not guilty’ had been entered. The Stewards put forward their case, which was made out.

We turn now to the question of penalty. The Stewards referred us to the penalties imposed in a number of cases involving a breach of this Rule. It was also suggested that the appropriate penalty in this case would be 6 months suspension with 3 months of that penalty in turn suspended for 12 months providing that there is no further breach of this Rule during that period. It was also suggested that there be a fine of $1,000 imposed.

We appreciate the good record of Ms. Triaca. She has not been previously convicted of any serious offence. However, as we mentioned at the conclusion of the hearing, given the lack of co-operation from Ms. Triaca and what seems to be her attitude generally, we are of the view that the appropriate penalty is in excess of that suggested by the Stewards. We think that specific deterrence is a greater consideration than it might be in some other cases. Further, general deterrence must be taken into account. Animal welfare is a very important factor. There were a large number of greyhounds in these particular kennels. The conditions in these kennels appear to have been bordering on the disgusting. We appreciate that the dogs were to be moved, but that is no excuse for keeping them in such conditions.

As we have stated, somewhat unusually we are of the opinion that the penalty should exceed that asked for by the Stewards.

In our opinion the appropriate penalty is that mentioned on 11 March 2020. Ms. Triaca is suspended for 6 months, two months of that period is in turn suspended for 12 months providing that she does not breach this Rule again during that period. In addition, she is fined $1,000.

Mark Howard
Registrar, Victorian Racing Tribunal