19 July 2022

**DECISION**

**GREYHOUND RACING VICTORIA**

**and**

**TERRY TAYLOR**

**Date of hearing:** 5 July 2022

**Panel:** Judge Graeme Hicks (Deputy Chairperson) and Judge Julie Nicholson.

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

Mr Terry Taylor did not attend the hearing.

**Charges:** 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 and safety of a greyhound.

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

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

(a) Proper and sufficient food, drink and protective apparel.

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.

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.

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.

GAR 86(p) states:

A person (including an official) shall be guilty of an offence if the person-

(p) disobeys or fails to comply with the lawful order of a Steward or other person or body having official duties in relation to greyhound racing.

GAR 86(e) states:

A person (including an official) shall be guilty of an offence if the person-

(e) being an owner, trainer, attendant or a person having official duties in relation to greyhound racing, refuses or fails to attend or to give evidence at an inquiry, or produce a document or other thing in relation to an investigation, examination, test or inquiry pursuant to these Rules when directed by the Controlling Body, Stewards or the committee of a club to do so.

**Particulars of charges: Charge 1: LR 42.1**

1. You were, at all relevant times, a public trainer registered with Greyhound Racing Victoria (“GRV”) (Member No. 24238) and a person bound by the Greyhounds Australasia Rules and Local Racing Rules.
2. You were, at all relevant times, the person responsible for the care and custody of four (4) retired greyhounds at your kennelling address in Kolora, Victoria (“the premises”).
3. You kept these four (4) retired greyhounds in conditions that were dangerous or detrimental to the health and safety of greyhounds, in that:

(a) On 11 November 2021, GRV Investigative Stewards identified four (4) retired greyhounds (Red Rebel, Elite House, Dollar Boy and Aussie Terrie), which were kept on your premises, where they did not have access to clean and fresh water, were not provided with suitable bedding, and kept in kennels and yards which were not in a clean and appropriate standard to eliminate fleas.

1. These conditions reduce the quality of life of the greyhounds, promote illness, infection and injuries and are detrimental to the health and safety of greyhounds.

**Charge 2: GAR 106(1)(a)**

1. You were, at all relevant times, a public trainer registered with Greyhound Racing Victoria (“GRV”) (Member No. 24238) and a person bound by the Greyhounds Australasia Rules and Local Racing Rules.
2. You were, at all relevant times, the person responsible for the care and custody of four (4) retired greyhounds at your kennelling address in Kolora, Victoria (“the premises”).
3. On 11 November 2021, you failed to ensure that the four (4) retired greyhounds (Red Rebel, Elite House, Dollar Boy and Aussie Terrie), which were in your care and custody were provided at all times with:

(a) clean and fresh water;

(b) proper and sufficient food;

(c) protective apparel.

 **Charge 3: GAR 106(1)(c)**

1. You were, at all relevant times, a public trainer registered with Greyhound Racing Victoria (“GRV”) (Member No. 24238) and a person bound by the Greyhounds Australasia Rules and Local Racing Rules.
2. You were, at all relevant times, the owner of and had the care of, four (4) retired greyhounds at your kennelling address in Kolora, Victoria (“the premises”).
3. On 11 November 2021, GRV Investigative Stewards attended your premises and identified four (4) retired greyhounds (Red Rebel, Elite House, Dollar Boy and Aussie Terrie) residing in kennels constructed of a standard not approved by the Controlling Body nor kept in clean and sanitary conditions in that:

(a) The greyhounds were kept in kennels and yards which were flea burdened; and

(b) The greyhounds were kept in kennels with dirt floors which were not kept clean and in sanitary conditions.

 **Charge 4: GAR 106(1)(d)**

1. You were, at all relevant times, a public trainer registered with Greyhound Racing Victoria (“GRV”) (Member No. 24238) and a person bound by the Greyhounds Australasia Rules and Local Racing Rules.
2. You did, at all relevant times, have the care or custody of “Elite House” (VJM 3758) (the greyhound).
3. On 11 November 2021, Investigative Stewards located on your property the greyhound “Elite House”, who was severely emaciated, had severe flea burden and grade 2 periodontal disease which required veterinarian treatment and was subsequently euthanised.
4. You failed to provide veterinarian attention for this greyhound when such veterinary attention was necessary.

**Charge 5: GAR 106(2)**

1. You were, at all relevant times, a public trainer registered with Greyhound Racing Victoria (“GRV”) (Member No. 24238) and a person bound by the Greyhounds Australasia Rules and Local Racing Rules.
2. You did, at all relevant times, have the care or custody of “Elite House” (VJM 3758) (the greyhound).
3. On 11 November 2021, Investigative Stewards located on your property Elite House (VJM 3758) who was severely emaciated, had severe flea burden and grade 2 periodontal disease which required veterinarian treatment and was subsequently euthanised.
4. The inadequate husbandry practices and the on-going failure to seek veterinary attention when required has subjected the greyhound to unnecessary pain or suffering as identified by Dr Sarah Doornbusch.

**Charge 6: GAR 106(1)(d)**

1. You were, at all relevant times, a public trainer registered with Greyhound Racing Victoria (“GRV”) (Member No. 24238) and a person bound by the Greyhounds Australasia Rules and Local Racing Rules.
2. You did, at all relevant times, have the care or custody of “Red Rebel” (VJM 3762) (the greyhound).
3. On 11 November 2021, Investigative Stewards located on your property, Red Rebel (VJM 3762) who was severely emaciated, had severe flea burden, pressure sores, an ear infection and grade 2 periodontal disease which required veterinarian treatment and was subsequently euthanised.
4. You failed to provide veterinarian attention for this greyhound when such veterinary attention was necessary.

**Charge 7: GAR 106(2)**

1. You were, at all relevant times, a public trainer registered with Greyhound Racing Victoria (“GRV”) (Member No. 24238) and a person bound by the Greyhounds Australasia Rules and Local Racing Rules.
2. You did, at all relevant times, have the care or custody of “Red Rebel” (VJM 3762) (the greyhound).
3. On 11 November 2021, Investigative Stewards located on your property ‘Red Rebel’ (VJM 3762) who was severely emaciated, had severe flea burden, pressure sores, ear infection and grade 2 periodontal disease which required veterinarian treatment and was subsequently euthanised on this day.
4. The inadequate husbandry practices and the on-going failure to seek veterinary attention when required has subjected the greyhound to unnecessary pain or suffering as identified by Dr. Sarah Doornbusch.

**Charge 8: GAR 86(p)**

1. You were, at all relevant times, a public trainer registered with Greyhound Racing Victoria (“GRV”) (Member No. 24238) and a person bound by the Greyhounds Australasia Rules and Local Racing Rules.
2. On 17 November 2021, you were served via email with a “Letter of Direction” which directed you as follows -:

“You are required to supply your Emergency Health Management Plan (“EHMP”) and Greyhound Treatment Records at your inquiry to be conducted on 18 November 2021”.

1. You failed to supply the information requested.

**Charge 9: GAR 86(e)**

1. You were, at all relevant times, a public trainer registered with Greyhound Racing Victoria (“GRV”) (Member No. 24238) and a person bound by the Greyhounds Australasia Rules and Local Racing Rules.
2. On 18 November 2021, you failed to attend an inquiry at the Ballarat Greyhound Racing Club.
3. When contacted by Investigative Stewards you stated you would not be attending this Inquiry.

**Pleas:** Not Guilty to all charges

**DECISION**

Mr Taylor is registered as a public trainer. He resides at his kennel address situated in Kolora, Victoria. This is a rural property of approximately two and a half acres. There are five racing kennels situated in a shed with an empty yard at the front.

On 11 November 2021, Stewards, together with veterinarian, Dr Sarah Doornbusch, conducted a kennel inspection and out of competition testing at the registered kennelling address of Mr Taylor. Mr Taylor originally advised Stewards that there were only five greyhounds on the property. Once Stewards advised Mr Taylor that an inspection of the entire property would be conducted, he advised there were four retired greyhounds at the back of the property in addition to the other five greyhounds previously mentioned.

As a result of that inspection, a Notification of Suspension pursuant to Greyhounds Australasia Rule (“GAR”) 92(5)(c) was served upon Mr Taylor which commenced on 12 November 2021. Mr Taylor has remained suspended since that date.

On 16 November 2021, Stewards emailed Mr Taylor a Notice of Inquiry. The inquiry was to be held at Ballarat on 18 November 2021. Mr Taylor failed to attend that inquiry and, when Stewards contacted him by phone on that date, Mr Taylor advised Stewards that he would not be attending.

At a directions hearing held on 17 May 2022, Mr Taylor stated again that he did not wish to be involved in the hearing.

In those circumstances, the Tribunal made a determination to proceed with the hearing of the matter in Mr Taylor’s absence and entered a plea of not guilty to all charges.

The Tribunal stated it would rely upon the evidence in the brief prepared by Greyhound Racing Victoria (“GRV”) Stewards and, in particular, the observations made by Stewards and Dr Doornbusch during the kennel inspection to assist in making a determination.

There are nine charges. Seven charges involve four greyhounds, and two charges involve breaches of orders made by the Stewards.

Charge 1 is under Local Racing Rule (“LR”) 42.1, in which Mr Taylor is alleged to have kept greyhounds in conditions which were dangerous or detrimental to the health and safety of a greyhound.

Charge 2 is under Greyhounds Australasia Rule (“GAR”) 106(1)(a), in which it is alleged that Mr Taylor failed to ensure that four retired greyhounds in his care and custody were provided, at all times, with proper and sufficient food, drink and protective apparel.

Charge 3 is under GAR 106(1)(c), which refers to the failure to provide a greyhound with kennels which are kept in a clean and sanitary condition. This charge overlaps with Charge 1 however, this charge does not require proof that the conditions were detrimental to the health of a greyhound.

Charges 4 and 6 are under GAR 106(1)(d), which prohibits a failure to provide a greyhound with veterinary attention when necessary.

Charges 5 and 7 are under GAR 106(2), which compels registered persons to exercise such reasonable care and supervision as to prevent greyhounds from being subjected to any unnecessary pain and suffering.

Charge 8 is under GAR 86(p), which prohibits the failure to comply with a lawful order of a Steward.

Charge 9 is under GAR 86(e), which amongst other things, prohibits the refusal to give evidence at an inquiry.

**CHARGES 1 – 3**

During the kennel inspection conducted on 11 November 2021, GRV Stewards found a lack of fresh and clean water. There was evidence of algae in the water buckets and the water was green. Only three greyhounds had protective apparel and they were all dirty and dusty. The kennel structure was makeshift with sheets of wire held together with clips, wire and string. The wooden kennel structure at the rear of each yard had little or no bedding provided for the greyhounds.

The kennel structure situated in a paddock was surrounded by long grass creating a fire and snake hazard. The makeshift structure was made of star pickets and sheets of fencing, approximately six feet high, with no actual gates. The fencing was again held together with clips, string and wire. The interior fencing was approximately three feet high. It appeared that originally there were five runs with the one furthest to the left not used and overgrown with weeds. The middle two had part of the dividing fence removed so the two male greyhounds were able to interact. At the rear of each run were wooden kennel structures for the greyhounds to sleep in with minimal or non-existent bedding. The yard floors were dirt which harboured fleas and were unable to be sanitised.

At page 10 of her statement, Dr Doornbusch detailed the following in relation to the state of the kennels:

“The kennels in which [the] greyhounds were kept demonstrated an overall failure of basic husbandry and management. The dirt floor of the kennels is impossible to clean and as such, the number of fleas in the environment was extremely high. Management of any potential infectious disease is also impossible in kennels that cannot be effectively cleaned. The bedding and coats were old and had not been changed in many weeks to months.

Mr Taylor confirmed that for the five years since being on that property, [the] greyhounds were never taken out of these kennels unless they were being taken to the vet, which means they had very limited opportunity to exercise. The confinement area for each greyhound was

approximately 1.5m wide and 5m long, which is not enough space in which to exercise. There was no enrichment such as toys or food puzzles provided. These greyhounds existed in a stark and bare environment, devoid of stimulation and interactions, located far away from daily household or community activity for years…. In my opinion, keeping greyhounds in the manner described above is severely detrimental to their mental health and welfare and is not acceptable by community or racing standards”.

Three of the greyhounds, “Dollar Boy”, “Elite House” and “Red Rebel”, were underweight. At page six of her statement, Dr Doornbusch detailed that this could be due to “insufficient quantity or quality of food, and/or stress, and/or chronic disease”.

An inquiry was opened with Mr Taylor during the kennel inspection at his address regarding the four retired greyhounds. During this inquiry, Mr Taylor told Stewards the greyhounds had been in the yards for about five years. He admitted to making no attempts to rehome them. When asked by Stewards how often he takes the greyhounds to the vet, Mr Taylor stated “oh well, he went to get his eyes checked every 12 months”. Mr Taylor also admitted that it was not a good life for them and advised the Stewards that the greyhounds only got out of the yards when they were being taken to the vet. Mr Taylor also stated that he administers flea treatment every day but “it doesn’t help”.

**CHARGES 4 – 7**

The greyhound, “Elite House” was located in the middle kennel in the company of another greyhound, “Red Rebel”.

Dr Doornbusch detailed in her statement that Elite House was located laying down and was unresponsive to people or handling. At page 10 of her statement, Dr Doornbusch stated that this greyhound “was in such a severely compromised condition that when [she] first saw him [she] wondered if he was alive”. Assistance was required for the greyhound to stand and, after a few minutes of standing, the greyhound appeared to be weakening. This greyhound was wearing protective apparel which was stuck to his skin in places. The knot tying the coat together was crusted together with fleas, dirt and dead skin. Dr Doornbusch further detailed that this greyhound displayed heavy flea burden, was lethargic, appeared weak and had chronic pannus of the right eye. Ultimately, due to the poor condition of the greyhound and the pain and suffering it was enduring, Elite House was euthanised.

Dr Libby Summerrell of the Terang & Mortlake Vet Clinic examined the greyhound, Red Rebel, on 11 November 2021. Dr Summerrell diagnosed the greyhound as suffering severe emaciation, severe anaemia, severe flea burden and stage two periodontal disease. This greyhound was euthanised post examination.

Dr Doornbusch examined both greyhounds during the kennel inspection and stated, that in her opinion, she believes “these greyhounds [had] been experiencing significant pain and suffering for a period of weeks to months. The overall physical condition, living conditions and behaviour of these greyhounds demonstrates a gross lack of care and attention and raises major issues for the husbandry and management practices within this kennel. A combination of the failure to provide proper and sufficient nutrition and lack of suitable veterinary attention being applied resulted in the euthanasia of [these] greyhounds to alleviate their significant pain and suffering. Mr Taylor’s failure to seek veterinary treatment for these greyhounds caused unnecessary pain and suffering. The prolonged neglect resulted in their necessary euthanasia on 11 November 2021”.

**CHARGE 8**

On 17 November 2021, Mr Taylor was emailed a Directions Notice by the Stewards. This notice directed Mr Taylor to “supply [his] Emergency Health Management Plan (“EHMP”) and Greyhound Treatment Records at [his] inquiry [which was] to be conducted on 18 November 2021”. Mr Taylor failed to supply the documents requested by the Stewards.

**CHARGE 9**

On 16 November 2021, Stewards emailed Mr Taylor a Notice of Inquiry which was to be held at Ballarat on 18 November 2021. Mr Taylor did not attend that inquiry and, when Stewards contacted him by phone on that date, Mr Taylor advised Stewards that he would not be attending.

**FINDING**

The Tribunal temporarily adjourned to consider its verdict.

Prior to the hearing, the Tribunal had carefully gone through and read all the evidence in the brief. Having heard submissions from Mr Hurley, on behalf of the Stewards, and having considered all the evidence in the brief, the Tribunal is comfortably satisfied that each and every charge has been proven to the required standard. The Tribunal finds Mr Taylor guilty of all charges.

**PENALTY**

We would make the following observation. The health and welfare of greyhounds is of paramount importance to the greyhound itself and also to the industry. It is vital that animal welfare is maintained at all times in respect of all greyhounds. As the Chairperson of this Tribunal has said previously, not to do so brings disrepute to the industry and has a potential to jeopardise the industry itself.

Principles of specific and general deterrence have a real part to play in arriving at the appropriate penalty.

The complete lack of any basic animal welfare in respect of the four retired greyhounds can only be described as abhorrent. Those within the industry must realise that condign penalties will be imposed if proper standards of animal welfare are not upheld.

We regard Charges 5 and 7 as being the most serious charges due to the shocking condition of the greyhounds, Elite House and Red Rebel. As detailed by Dr Doornbusch at page 12 of her statement, “there has been a failure to provide the most basic care for [the] greyhounds [Elite House] and [Red Rebel] by [there being] grossly inadequate husbandry practices, denying the greyhounds standard preventative veterinary care and an ongoing failure to seek veterinary attention for those dogs when required”. The condition of these greyhounds was so appalling, it was a necessary kindness for them to be euthanised.

With respect to Charges 8 and 9, we state the work of the Stewards is difficult enough without there being a failure by trainers to comply with their requests and notices. General and specific deterrence is important in this regard.

In arriving at an appropriate penalty, we have applied the principles of totality and, as Mr Hurley representing the Stewards stated, there is considerable overlap between the charges. We are also mindful of sentencing principles relevant to cumulation and concurrency.

Mr Taylor is 59 years of age and has resided on the property for some five years. GRV records indicate he has been in the industry since 1987 and he has no prior convictions which we have taken into account when determining an appropriate penalty. We note that Mr Taylor openly admitted the circumstances in which the greyhounds were living was not a good life for them, and yet, he did not take any action to improve their situation.

Bearing in mind that pleas of not guilty have been entered, we are of the opinion that Mr Taylor is not entitled to a reduction in penalty which may have been available to him had guilty pleas been entered. This case, tragically, has shown a very profound lack of any care by Mr Taylor to the four greyhounds in his care, resulting in two of the greyhounds losing their lives and being euthanised.

In all of the circumstances, we impose the following penalties:

Charge 1: six months suspension.

Charge 2: $1,000 fine.

Charge 3: six months suspension which is concurrent upon the penalty imposed on Charge 1.

Charge 4: $2,500 fine.

Charge 5: eight years disqualification.

Charge 6: $2,500 fine which is cumulative upon the penalty imposed on Charge 4.

Charge 7: eight years disqualification which is concurrent upon the penalty imposed on Charge 5.

Charge 8: $1,000 fine which is concurrent upon the penalty imposed on Charge 2.

Charge 9: two years disqualification which is cumulative upon the penalties imposed on Charges 5 and 7.

The total effective penalty is a fine totalling $6,000 and a total period of disqualification of 10 years, to be backdated to commence on 12 November 2021, being the date in which Mr Taylor was suspended by the Stewards.

Mark Howard
Registrar, Victorian Racing Tribunal