11 April 2022

**DECISION**

**GREYHOUND RACING VICTORIA**

**and**

**TIM HORE**

**Date of hearing:** 23 March 2022

**Panel:** Judge John Bowman (Chairperson) and Ms Amanda Dickens.

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

Mr Tim Hore represented himself.

**Charges:** 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 the 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 (including, without limitation, the written certificate or letter referred to in LR 42.8).

LR 42.9(c) states:

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

(c) the body of the deceased greyhound must be disposed of:

(i) via a veterinary clinic;

(ii) via an animal cremation service approved by the Environmental

Protection Authority; or

(iii) by an alternate method of disposal approved by the Board, the Stewards or an authorised officer on such conditions as they see fit.

Greyhounds Australasia Rule (“GAR”) 105(4)(i) states:

(4)(i) A registered person shall within 3 working days of a greyhound coming pursuant to or leaving the person’s care or

custody, give notice to the Controlling Body of that occurrence.

**Particulars of charges: Charge 1: LR 42.9(a)**

1. You were, at all relevant times, an owner registered with Greyhound Racing Victoria (“GRV”) and a person bound by the Greyhounds Australasia Rules (“GAR”) and Local Racing Rules (“LR”).
2. In approximately January 2020, you were the person responsible for, and had the care of, the unnamed greyhound (VEONL) (“the greyhound”) when you found the greyhound deceased at your property in Leitchville, Victoria.
3. You failed to notify the Board within 2 working days of the death of the greyhound in the prescribed form.

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

1. You are and were at all relevant times an owner registered with Greyhound Racing Victoria (“GRV”) and a person bound by the Greyhounds Australasia Rules (“GAR”) and Local Racing Rules (“LR”).
2. You were at all relevant times the person responsible for the care and supervision of Greyhounds housed at your GRV registered premises in Leitchville, Victoria.
3. In approximately January 2020, you buried the body of a unnamed deceased greyhound (VEONL) on your property in a manner which was not approved by the Greyhound Racing Victoria Board, the Stewards or an authorised officer.

**Charge 3: LR 42.9(a)**

1. You were, at all relevant times, an owner registered with Greyhound Racing Victoria (“GRV”) and a person bound by the Greyhounds Australasia Rules (“GAR”) and Local Racing Rules (“LR”).
2. In approximately April 2020, you were the person responsible for, and had the care of, the unnamed greyhound (VEONI) (“the greyhound”) when you found the greyhound deceased at your property in Leitchville, Victoria.
3. You failed to notify the Board within 2 working days of the death of the greyhound in the prescribed form.

**Charge 4: LR 42.9(c)**

1. You are and were at all relevant times an owner registered with Greyhound Racing Victoria (“GRV”) and a person bound by the Greyhounds Australasia Rules (“GAR”) and Local Racing Rules (“LR”).
2. You were at all relevant times the person responsible for the care and supervision of Greyhounds housed at your GRV registered premises in Leitchville, Victoria.
3. In approximately April 2020, you buried the body of a unnamed deceased greyhound (VEONI) on your property in a manner which was not approved by the Greyhound Racing Victoria Board, the Stewards or an authorised officer.

**Charge 5: GAR 105(4)(i)**

1. You were, at all relevant times, an owner registered with Greyhound Racing Victoria (“GRV”) and a person bound by the Greyhounds Australasia Rules (“GAR”) and Local Racing Rules (“LR”).
2. You were at all relevant times the person responsible for the care and supervision of Greyhounds housed at your GRV registered premises in Leitchville, Victoria.
3. In approximately May 2020, an un-named greyhound (VGVRB) (“the greyhound”), was retired as a pet and relocated to your property following which you failed to notify Greyhound Racing Victoria within 3 working days of this greyhound coming into your care or custody.
4. You then rehomed the greyhound to a farmer in Cohuna following which you failed to notify GRV within 3 working days of the greyhound leaving your care or custody.

**Charge 6: GAR 105(4)(i)**

1. You were, at all relevant times, an owner registered with Greyhound Racing Victoria (“GRV”) and a person bound by the Greyhounds Australasia Rules (“GAR”) and Local Racing Rules (“LR”).
2. You were at all relevant times the person responsible for the care and supervision of Greyhounds housed at your GRV registered premises in Leitchville, Victoria.
3. In approximately July 2020, an un-named greyhound (VGVRD) (“the greyhound”), was retired as a pet and relocated to your property following which you failed to notify Greyhound Racing Victoria within 3 working days of this greyhound coming into your care or custody.
4. In approximately September 2020 you rehomed the greyhound following which you failed to notify GRV within 3 working days of the greyhound leaving your care or custody.

**Charge 7: GAR 105(4)(i)**

1. You were, at all relevant times, an owner registered with Greyhound Racing Victoria (“GRV”) and a person bound by the Greyhounds Australasia Rules (“GAR”) and Local Racing Rules (“LR”).
2. You were at all relevant times the person responsible for the care and supervision of Greyhounds housed at your GRV registered premises in Leitchville, Victoria.
3. In approximately May 2020, an un-named greyhound (VGVRC) (“the greyhound”), was retired as a pet and relocated to your property following which you failed to notify Greyhound Racing Victoria within 3 working days of this greyhound coming into your care or custody.
4. In approximately October 2020 you rehomed the greyhound following which you failed to notify GRV within 3 working days of the greyhound leaving your care or custody.

**Charge 8: LR 42.9(a)**

1. You were, at all relevant times, an owner registered with Greyhound Racing Victoria (“GRV”) and a person bound by the Greyhounds Australasia Rules (“GAR”) and Local Racing Rules (“LR”).
2. In approximately December 2020, you were the person responsible for, and had the care of, the unnamed greyhound (VGVQZ) (“the greyhound”) when you found the greyhound deceased at your property in Leitchville, Victoria.
3. You failed to notify the Board within 2 working days of the death of the greyhound in the prescribed form.

**Charge 9: LR 42.9(c)**

1. You are and were at all relevant times an owner registered with Greyhound Racing Victoria (“GRV”) and a person bound by the Greyhounds Australasia Rules (“GAR”) and Local Racing Rules (“LR”).
2. You were at all relevant times the person responsible for the care and supervision of Greyhounds housed at your GRV registered premises in Leitchville, Victoria.
3. In approximately December 2020, you buried the body of a unnamed deceased greyhound (VGVQZ) on your property in a manner which was not approved by the Greyhound Racing Victoria Board, the Stewards or an authorised officer.

**Charge 10: LR 42.9(a)**

1. You were, at all relevant times, an owner registered with Greyhound Racing Victoria (“GRV”) and a person bound by the Greyhounds Australasia Rules (“GAR”) and Local Racing Rules (“LR”).
2. In approximately December 2020, you were the person responsible for, and had the care of, the unnamed greyhound (VGVRA) (“the greyhound”) when you found the greyhound deceased at your property in Leitchville, Victoria.
3. You failed to notify the Board within 2 working days of the death of the greyhound in the prescribed form.

**Charge 11: LR 42.9(c)**

1. You are and were at all relevant times an owner registered with Greyhound Racing Victoria (“GRV”) and a person bound by the Greyhounds Australasia Rules (“GAR”) and Local Racing Rules (“LR”).
2. You were at all relevant times the person responsible for the care and supervision of Greyhounds housed at your GRV registered premises in Leitchville, Victoria.
3. In approximately December 2020, you buried the body of a unnamed deceased greyhound (VGVRA) on your property in a manner which was not approved by the Greyhound Racing Victoria Board, the Stewards or an authorised officer.

**Pleas:** Guilty to all charges

**DECISION**

Mr Tim Hore, you have pleaded guilty to some 11 charges. They all involve some dogs which you effectively raced in your partnership with Mr Peter Dunlevey, a licensed trainer. Your registration is that of an owner, and you have been so registered since 2010.

The dogs in question were trained and bred by Mr Dunlevey, but you were the owner. The present charges arose out of dogs being returned to your property by Mr Dunlevey. You have a dairy farm on a substantial acreage near Leitchville, which is no great distance from Cohuna. You in turn transferred three dogs to other persons. As we understand it, none of these dogs was still racing. Four other dogs died, one from a suspected spider bite and three from accidents. They were buried on your property. There is no suggestion that you in any way mistreated the dogs or that they came to anything other than accidental harm when with you or with others. The whole problem was your complete failure to inform the Stewards and the industry as to the movements of these registered greyhounds and of their deaths. There is no suggestion that your culpability goes any higher than effectively a failure to comply with three Rules – Local Racing Rule (“LR”) 42.9(a), LR 42.9(c) and Greyhounds Australasia Rule (“GAR”) 105(4)(i). These essentially involve a failure to notify Greyhound Racing Victoria (“GRV”) of the transferring and death of greyhounds and the disposal of deceased greyhounds in the approved manner.

You have pleaded guilty to all charges from the outset. The whole problem has basically been a failure to communicate with GRV and to observe and follow the required procedures.

As stated, you are a dairy farmer. You come from a family which had an interest and involvement in greyhound racing. Ultimately, you registered as an owner in 2010. You still have one dog competing and trained by Mr Dunlevey and one retired greyhound as a pet. You have had a good season on your dairy farm, but there is a substantial amount owing on a long term loan.

You have accepted fully that you did breach the relevant Rules.

General deterrence is a very important factor. Registration of dogs, notification of their movements and notification of their deaths are all vital to the Stewards, so that they are able to be kept informed in relation to dog movements and wellbeing. The industry is always in the spotlight in relation to these essential matters. We do not consider that specific deterrence has any great role to play. Apart from your decreased involvement, you now are well aware of your obligations as a registered person.

We are of the view that the penalties suggested by Mr El-Asmar, on behalf of the Stewards, are sensible and appropriate. We shall summarise them as follows: -

On Charges 1, 3, 8 and 10 – the breaches of LR 42.9(a) – on each charge you are suspended for a period of three months, in turn wholly suspended for a period of 24 months. These penalties are concurrent. In addition, you are fined the sum of $500 on Charge 1.

In relation to Charges 2, 4, 9 and 11 – the breaches of LR 42.9(c) – the penalties are as follows. On Charge 2, you are suspended for a period of three months, cumulative upon the penalty on Charge 1, but wholly suspended for a period of 24 months. On Charge 4, 9 and 11, you are suspended for a period of three months on each charge, but in turn, the penalties are concurrent with each other. Charges 1 and 2 are wholly suspended for a period of 24 months. You are fined $500 on Charge 2.

On Charges 5, 6 and 7 – the breaches of GAR 105(4)(i) – the penalties are as follows. On Charge 5, you are suspended for a period of three months, cumulative upon the penalty for Charges 1 and 2, but wholly suspended for a period of 24 months. On Charges 6 and 7, you are suspended for a period of three months on each charge, but in turn, the penalties are concurrent with each other and with Charges 1, 2 and 5. They are wholly suspended for a period of 24 months. You are fined $500 on Charge 5.

The total penalty is one of nine months suspension, wholly suspended for a period of 24 months and a total fine of $1,500.

We are specifically reserving liberty to apply as the penalties involve their fair share of complications and some clarification or amendment may be required. The bottom line on total penalty is set out in the preceding paragraph.

Kathleen Scully
Assistant Registrar, Victorian Racing Tribunal