22 January 2024

**DECISION**

**GREYHOUND RACING VICTORIA**

**and**

**KENNETH BUXTON**

**Date of hearing:** 4 January 2024

**Panel:** Judge John Bowman (Chairperson).

**Appearances:** Mr Anthony Pearce appeared on behalf of the Stewards.

Mr Kenneth Buxton represented himself.

**Rule:** Greyhounds Australasia Rule (“GAR”) 169(5)(c) states:

(5) Pending the decision or outcome of an inquiry or other disciplinary process, a Controlling Body or the Stewards may direct that:

(c) a registration, licence, or other type of authority or permission be suspended.

**Particulars:** On 28 December 2023, the Stewards of Greyhound Racing Victoria imposed an immediate suspension on Mr Kenneth Buxton, pursuant to Local Racing Rule ("LR") 66.1.

On 2 January 2024, the decision was made by GRV Stewards for the suspension to remain in effect pursuant to Greyhounds Australasia Rule (“GAR”) 169(5)(c) until 20 alleged charges have been heard and determined by the Victorian Racing Tribunal (“VRT”).

**DECISION**

Mr Kenneth Buxton, you are appealing a decision of the Stewards to impose an interim suspension on your Greyhound Racing Victoria (“GRV”) registration as a trainer. That suspension has been operative from 28 December 2023.

The background to this is that you are facing a total of some 20 charges. Those charges are fixed for a hearing in person on 9 and 10 April 2024. As I understand it, your present intention is to plead Not Guilty to all of those charges.

The main thrust of the charges concerns animal welfare. One charge relates to a failure to attend a Stewards inquiry, but the balance of the charges deal with the condition and structure of kennels; the provision of proper and sufficient food, drink and apparel; compliance with the “Code of Practice for the Keeping of Racing Greyhounds 2018”; the provision of veterinary attention; the prevention of pain and suffering and the like.

The situation is not made any simpler by reason of your recent shift to South Australia (“SA”). You have under your care approximately eight greyhounds. Apparently you have been making some enquiries at the Mount Gambier track concerning activities there.

Whilst there are reciprocal arrangements between the Victorian Stewards and the SA Stewards, the Victorian Stewards point out the difficulties that they face and the distance involved in checking on what is happening with your dogs. That is particularly so given the history of events, the serious nature of the charges and the importance of animal welfare.

I accept that you are now the full time carer for the dogs. Your partner, Ms Bianca Reed, also a licensed person, is with you in SA, but is engaged in full time employment not related to greyhound racing.

I also understand that, of your eight dogs, one is retired. Six are young greyhounds that were or are being prepared to race. Only one currently races, or could race but for the interim suspension.

In all these circumstances, it seems to me that the steps taken by the Stewards are warranted. You have moved yourself and the dogs to a situation where inspection by the Stewards is more difficult. The bulk of the charges are serious and involve animal welfare, kennelling and the like. Only one of the dogs is currently racing. The hearing dates for the case is only three months away. It is not suggested that the inability to act as a licensed trainer for the next few months will have any drastic effect upon the combined income of your partner and yourself. It is not suggested that owners, other than yourself, are likely to suffer financially or are likely to remove dogs from you.

Weighing up all of the above, including the type and serious nature of the charges, it seems to me that the action taken by the Stewards of suspension of your license to train is and was warranted in the circumstances. The fact that a date certain for hearing some three months hence is also borne in mind. The dogs are not ordered to be removed from you. What is removed is your capacity to act as a registered trainer for that three month period.

Accordingly, the appeal is dismissed.

Kathleen Scully

Acting Registrar, Victorian Racing Tribunal