28 March 2024

**DECISION**

**GREYHOUND RACING VICTORIA**

**and**

**MARK GATT**

**Date of hearing:** 14 March 2024

**Panel:** Judge John Bowman (Chairperson) and Mr Greg Childs.

**Appearances:** Mr Tim Brook appeared on behalf of the Stewards.

Mr Mark Gatt represented himself.

**Charges and particulars:**

**Charge No. 1 of 4**

Greyhounds Australasia Rule ***GAR 21 (1) (a)***,reads as follows:

1. *A person must ensure that any greyhound in the person's care or custody, is at all times provided with:*
2. *proper and sufficient food, drink and protective apparel*

**Particulars of the Charge being**:

1. You were, at all relevant times, an owner and breeder registered with Greyhound Racing Victoria (**GRV**) (Member No. 321756) and a person bound by the Greyhounds Australasia Rules and Local Racing Rules.
2. On 22 May 2023, Investigative Stewards conducted a property visit at your registered kennel address at 2243 Western Highway, Rockbank.
3. At all relevant times, you had six (6) unnamed greyhounds in your care and custody identified with ear brands VLXSL, VLXSM, VLXSN, VLXSO, VLXSP and VLXSQ.
4. Prior to 22 May 2023, you failed to provide proper and sufficient drink and/or protective apparel for the abovementioned greyhounds.

**Charge No. 2 of 4**

Greyhounds Australasia Rule ***GAR 21 (1) (c)***,reads as follows:

1. *A person must ensure that any greyhound in the person's care or custody, is at all times provided with:*
2. *kennels constructed and of a standard approved by a Controlling Body which are adequate in size and which are kept in a clean and sanitary condition;*

**Particulars of the Charge being**:

1. You were, at all relevant times, an owner and breeder registered with Greyhound Racing Victoria (**GRV**) (Member No. 321756) and a person bound by the Greyhounds Australasia Rules and Local Racing Rules.
2. On 22 May 2023, Investigative Stewards conducted a property visit at your registered kennel address at 2243 Western Highway, Rockbank.
3. At all relevant times, you had six (6) unnamed greyhounds in your care and custody identified with ear brands VLXSL, VLXSM, VLXSN, VLXSO, VLXSP and VLXSQ.
4. You failed to provide these greyhounds in your care and custody with kennels constructed and of a standard approved by GRV which are adequate in size and kept in clean and sanitary condition, in that the kennels were not compliant with the ‘Code of Practice for the Keeping of Racing Greyhounds 2018’, in particular;
5. no raised, clean, soft or dry bedding – no bedding provided
6. insufficient protection from the elements – no protection at all
7. sleeping area was not clean and hygienic

**Charge No. 3 of 4**

Greyhounds Australasia Rule ***GAR 21 (3)***,reads as follows:

*(3) A person shall not cause or permit, on any premises owned or occupied by that person, any condition that is likely to be dangerous to the health, welfare or safety of that greyhound.*

**Particulars of the Charge being**:

1. You were, at all relevant times, an owner and breeder registered with Greyhound Racing Victoria (**GRV**) (Member No. 321756) and a person bound by the Greyhounds Australasia Rules and Local Racing Rules.
2. You have caused or permitted at your registered premises conditions likely to be dangerous to the health, welfare or safety of greyhounds, in that;
3. On 22 May 2023, Investigative Stewards conducted a property visit at your registered kennel address at 2243 Western Highway, Rockbank.
4. At all relevant times, you had six (6) unnamed greyhounds in your care and custody identified with ear brands VLXSL, VLXSM, VLXSN, VLXSO, VLXSP and VLXSQ.
5. Prior to 22 May 2023, you failed to provide proper and sufficient drink and/or protective apparel for the abovementioned greyhounds.
6. The yard in which the greyhounds were kept several holes of considerable depth.
7. You failed to provide these greyhounds in your care and custody with kennels constructed and of a standard approved by GRV which are adequate in size and kept in clean and sanitary condition, in that the kennels were not compliant with the ‘Code of Practice for the Keeping of Racing Greyhounds 2018’, in particular;
8. no raised, clean, soft or dry bedding – no bedding provided
9. insufficient protection from the elements – no protection at all
10. sleeping area was not clean and hygienic

**Charge No. 4 of 4**

Greyhounds Australasia Rule ***GAR 156 (w)*** reads as follows:

An offence is committed if a person (including an official):

*(w) fails to comply with a policy or code of practice adopted by a Controlling Body;*

**Particulars of the Charge being**:

1. You were, at all relevant times, an owner and breeder registered with Greyhound Racing Victoria (**GRV**) (Member No. 321756) and a person bound by the Greyhounds Australasia Rules and Local Racing Rules.
2. On 22 May 2023, Investigative Stewards conducted a property visit at your residential address at 2243 Western Highway, Rockbank.
3. At all relevant times, you had six (6) unnamed greyhounds in your care and custody identified with ear brands VLXSL, VLXSM, VLXSN, VLXSO, VLXSP and VLXSQ.
4. You failed to have had an Establishment Health Management Plan in place for your registered kennel address, as required by the *Code of Practice for the Keeping of Racing Greyhounds* *(April 2018).*

**Pleas:** Guilty to all charges.

**DECISION**

Mr Mark Gatt, you have pleaded guilty to a breach of four Rules. They could be summarised as follows:

GAR 21(1)(a) – dirty water provided to dogs.

GAR 21(1)(c) – dogs sleeping on concrete floor.

GAR 21(3) – holes dug in yard.

GAR 156(w) – no established health management plan.

The charges arose out of a Stewards visit to your house and yard on 22 May 2023. At the time, you were the registered owner of eight greyhounds. You were intending to move from the property which you had owned at Rockbank and into a new residence at Kuranjang. The dogs were to be transferred to a licensed trainer, Mr Keith Lloyd, and this in fact took place. At least two of these were destined for the GAP scheme if this could be done.

It is apparent that, after you sold the house at Rockbank and were waiting to move to Kuranjang, you let things slip. The dogs were living in unsatisfactory premises. You accept full responsibility for this.

The penalty suggested by the Stewards is a period of disqualification for one month on each of the four charges, such periods of disqualification to be concurrent. You are not challenging this proposed penalty and it certainly seems to us to be fair and reasonable. As stated, the dogs are no longer with you. We would add that no relevant prior offence was alleged against you.

Whilst the parties may agree on penalties, the ultimate decision rests with us. We consider what has been agreed to be a very reasonable penalty and certainly not to be onerous. Accordingly, it is the penalty which we impose.

On each of Charge 1 to 4, you are disqualified for a period of one month, such periods to be served concurrently. The bottom line is disqualification for one month, effective from today.

Mark Howard

Registrar, Victorian Racing Tribunal