28 August 2024

**DECISION**

**GREYHOUND RACING VICTORIA**

**and**

**PETER ARNOTT**

**Date of hearing:** 13 August 2024

**Date of decision:** 13 August 2024

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

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

Mr Peter Arnott represented himself.

**Charges:** Greyhounds Australasia Rule (“GAR”) 21(2) states:

(2) A person must exercise the care and supervision necessary to prevent a greyhound under the person's care or custody from being subjected to unnecessary pain or suffering, or from anything which is likely to lead to unnecessary pain or suffering.

GAR 162(e) states:

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

(e) has in their possession any gear, equipment, device, substance or any other thing capable of inflicting pain or suffering on a greyhound.

GAR 21(3) states:

(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.

GAR 21(1)(c) states:

(1) A person must ensure that any greyhound in the person's care or custody, is at all times provided with:

(c) kennels constructed are of a standard approved by a Controlling Body which are adequate in size and which are kept in a clean and sanitary condition.

**Particulars: Charge 1: GAR 21(2)**

 1. You were, at all relevant times, a trainer registered with Greyhound Racing Victoria (GRV) (Member No. 217103) and a person bound by the Greyhounds Australasia Rules and Local Racing Rules.

2. During a kennel inspection on 28 July 2023, it was observed by GRV Investigators that greyhounds in your care or custody were wearing anti-bark shock collars.

3. You failed to exercise the care and supervision necessary to prevent these greyhounds from being subjected to something which is likely to lead to unnecessary pain or suffering.

**Charge 2: GAR 162(e)**

1. You were, at all relevant times, a trainer registered with Greyhound Racing Victoria (GRV) (Member No. 1108) and a person bound by the Greyhounds Australasia Rules and Local Racing Rules;

2. On 28 July 2023, during a kennel inspection at your registered kennel address, a total of five (5) shock collars were located in the kennels;

3. You had in your possession a device, being shock collars, which were capable of inflicting pain or suffering on a greyhound.

**Charge 3: GAR 21(3)**

1. You were, at all relevant times, a trainer registered with Greyhound Racing Victoria (GRV) (Member No. 217103) and a person bound by the Greyhounds Australasia Rules and Local Racing Rules.

2. On 28 July 2023 GRV Investigators conducted a kennel inspection at your registered kennel address, where it was observed by GRV Investigators that greyhounds in your care or custody were wearing anti-bark shock collars.

3. The use of anti-bark shock collars places greyhounds in a condition that is likely to be dangerous to their health, welfare and/or safety.

**Charge 4: GAR 21(1)(c)**

1. You were, at all relevant times, a trainer registered with Greyhound Racing Victoria (GRV) (Member No. 217103) and a person bound by the Greyhounds Australasia Rules and Local Racing Rules.

2. On 28 July 2023, GRV Investigators conducted a kennel inspection at your registered kennel address, where it was identified that there was a failure to provide the greyhounds in your care and custody with kennels constructed and of a standard approved by Greyhound Racing Victoria, in that the kennels were not compliant with the ‘Code of Practice for the Keeping of Racing Greyhounds 2018’, in particular:

• The kennels used at your registered kennel address do not meet the minimum height requirements.

**Pleas:** Guilty

**DECISION**

Mr Peter Arnott, you are pleading guilty to four Charges. Charges 1, 2 and 3 are pursuant to Greyhounds Australasia Rule (“GAR”) 21(2), GAR 162(e) and GAR 21(3) respectively. There is a considerable amount of overlapping in relation to these Charges. They could be summarised as involving the use of anti-bark shock collars.

Charge 4 involves a breach of GAR 21(1)(c) and relaters to the size of the kennels at your training establishment in Lara.

These Charges arose out of a visit by the Stewards to that training establishment on 28 July 2023. Dealing firstly with the collars, on the occasion of that visit a number of anti-bark shock collars were found. Indeed, a couple of dogs were wearing such collars.

The use of collars of the type found is prohibited. Their use is a clear breach of the Rules in question. We accept that you had used collars of this type in an endeavour to prevent barking, and particularly night-time barking, by at least some of the 11 dogs inspected by the Stewards in your kennels. We accept that there is considerable neighbourhood and traffic noise and that the dogs do become agitated by this and particularly by other dogs barking. We also accept that you endeavoured to find a type of collar that had no adverse effect upon your dogs and in essence experimented with these. We also accept that you had no intention of trying to harm or inflict pain upon the dogs. However, the use of anti-bark shock collars is not to be tolerated.

We also accept that, whilst licensed as a trainer, you in fact actually train very few dogs and that the training is done by another licensed trainer who is a resident at your property and uses your kennels.

Thus, this is a somewhat unusual situation. We accept that you intended no harm to your dogs and were conscious of avoiding any damage to their welfare.

However, the use of anti-bark shock collars must be avoided. It damages the image of the industry. Potentially it can inflict injury upon the dogs in question, although we accept that you tried to avoid any such injury.

We are of the view that a period of suspension is the appropriate penalty.

We accept the submissions of the Stewards that, on Charge 1, you be suspended for three months. On Charge 2, you are suspended for a period of one month, wholly concurrent with the penalty on Charge 1. On Charge 3, you are suspended for a period of three months, wholly concurrent with the penalty on Charge 1.

Thus, the totally period of effective suspension on Charges 1, 2 and 3 is three months, to commence immediately.

Turning to Charge 4, we accept that the kennels in question were not of an adequate height, although you originally thought that they were. You have acknowledged your error and have undertaken the rebuilding of a number of kennels. You are also renovating your kennels generally, although the Stewards had no other complaint. We are satisfied that you used your best endeavours in the circumstances.

We consider that a fine of $1,500 is appropriate.

Thus, the total effective penalty is a suspension for three months, commencing immediately, and a $1,500 fine.

Kathleen Scully

Assistant Registrar, Victorian Racing Tribunal