18 February 2025

**DECISION**

**GREYHOUND RACING VICTORIA**

**and**

**DANIEL KERRUISH**

**Date of hearing:** 5 February 2025

**Date of decision:** 5 February 2025

**Panel:** Judge Marilyn Harbison (Deputy Chairperson)

**Appearances:** Ms Yana Podolskaya appeared on behalf of the Stewards.

Mr Daniel Kerruish represented himself.

**Charges and particulars:**

**Charge No. 1 of 9**

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

***21 Proper care for and welfare of greyhounds***

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

***(c) 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, a trainer registered with Greyhound Racing Victoria (**GRV**) (Member No. 31332) and a person bound by the Greyhounds Australasia Rules and Local Racing Rules.
2. You were, at all relevant times resided at Werribee
3. On 20 February 2023 you had greyhound SALE GRAZE BINDI (VFJRH) kennelled at Werribee.
4. You failed to provide kennels constructed and of a standard approved by a Controlling Body for SALE GRAZE BINDI.
5. GAR 21(1)(c) is a serious offence.

**Charge No. 2 of 9**

Greyhounds Australasia Rule **156(h)** reads as follows:

***156 General offences***

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

*(h) disobeys or fails to comply with a lawful order of a Controlling Body, the Stewards, or another person authorised by a Controlling Body with official duties in relation to greyhound racing*

**Particulars of the Charge being**:

1. You were, at all relevant times, a trainer registered with Greyhound Racing Victoria (**GRV**) (Member No. 313332) and a person bound by the Greyhounds Australasia Rules and Local Racing Rules.
2. On 9 March 2023 you were issued a lawful order as follows:

*“You are required to update FastTrack records for greyhound SALE GRAZE BINDIE (VFJRH) to reflect the greyhounds current status”*

1. The lawful order was to be complied with by 5 pm on 14 March 2023.
2. You failed to comply with that lawful order.
3. GAR 156(h) is a serious offence.

**Charge No. 3 of 9**

Greyhounds Australasia Rule **156(h)** reads as follows:

***156 General offences***

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

*(h) disobeys or fails to comply with a lawful order of a Controlling Body, the Stewards, or another person authorised by a Controlling Body with official duties in relation to greyhound racing*

**Particulars of the Charge being**:

1. You were, at all relevant times, a trainer registered with Greyhound Racing Victoria (**GRV**) (Member No. 313332) and a person bound by the Greyhounds Australasia Rules and Local Racing Rules.
2. On 9 March 2023 you were issued a lawful order as follows:

*“You are required to update FastTrack records for greyhound ZIPPING WINNIE (NFEPT) to reflect the greyhounds current status”*

1. The lawful order was to be complied with by 5 pm on 14 March 2023.
2. You failed to comply with that lawful order.
3. GAR 156(h) is a serious offence.

**Charge No. 4 of 9**

Greyhounds Australasia Rule **156(h)** reads as follows:

***156 General offences***

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

*(h) disobeys or fails to comply with a lawful order of a Controlling Body, the Stewards, or another person authorised by a Controlling Body with official duties in relation to greyhound racing*

**Particulars of the Charge being**:

1. You were, at all relevant times, a trainer registered with Greyhound Racing Victoria (**GRV**) (Member No. 313332) and a person bound by the Greyhounds Australasia Rules and Local Racing Rules.
2. On 18 May 2023 you were issued a lawful order as follows:

*“You are required to create kennels that comply with the Code of Practice for the Keeping of Racing Greyhounds constructed at your address in Werribee”*

1. The lawful order was to be complied with by 5 pm on 1 June 2023.
2. You failed to comply with that lawful order. GAR 156(h) is a serious offence.
3. GAR 156(h) is a serious offence.

**Charge No. 5 of 9**

Greyhounds Australasia Rule **156(h)** reads as follows:

***156 General offences***

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

*(h) disobeys or fails to comply with a lawful order of a Controlling Body, the Stewards, or another person authorised by a Controlling Body with official duties in relation to greyhound racing.*

**Particulars of the Charge being**:

1. You were, at all relevant times, a trainer registered with Greyhound Racing Victoria (**GRV**) (Member No. 313332) and a person bound by the Greyhounds Australasia Rules and Local Racing Rules.
2. On 18 May 2023 you were issued a lawful order as follows:

*“You are required relocate ZIPPING WINNIE (NFEPT) and SALE GRAZE BINDI (VFJRH) to appropriate kennels until your kennels are compliant”*

1. The lawful order was to be complied with by 5 pm on 1 June 2023.
2. You failed to comply with that lawful order).
3. GAR 156(h) is a serious offence.

**Charge No. 6 of 9**

Greyhounds Australasia Rule **156(h)** reads as follows:

***156 General offences***

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

*(h) disobeys or fails to comply with a lawful order of a Controlling Body, the Stewards, or another person authorised by a Controlling Body with official duties in relation to greyhound racing*

**Particulars of the Charge being**:

1. You were, at all relevant times, a trainer registered with Greyhound Racing Victoria (**GRV**) (Member No. 313332) and a person bound by the Greyhounds Australasia Rules and Local Racing Rules.
2. On 18 May 2023 you were issued a lawful order as follows:

*“You are required to have an Establishment Health Management Plan issued for your registered kennels at Werribee”*

1. The lawful order was to be complied with by 5 pm on 1 June 2023.
2. You failed to comply with that lawful order).
3. GAR 156(h) is a serious offence.

**Charge No. 7 of 9**

Greyhounds Australasia Rule **156(h)** reads as follows:

***156 General offences***

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

*(h) disobeys or fails to comply with a lawful order of a Controlling Body, the Stewards, or another person authorised by a Controlling Body with official duties in relation to greyhound racing*

**Particulars of the Charge being**:

1. You were, at all relevant times, a trainer registered with Greyhound Racing Victoria (**GRV**) (Member No. 313332) and a person bound by the Greyhounds Australasia Rules and Local Racing Rules.
2. On 18 May 2023 you were issued a lawful order as follows:

*“You are required to provide a photo of the front cover of your EHMP when it has been issued”*

1. The lawful order was to be complied with by 5 pm on 1 June 2023.
2. You failed to comply with that lawful order).
3. GAR 156(h) is a serious offence.

**Charge No. 8 of 9**

Greyhounds Australasia Rule **156(h)** reads as follows:

***156 General offences***

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

*(h) disobeys or fails to comply with a lawful order of a Controlling Body, the Stewards, or another person authorised by a Controlling Body with official duties in relation to greyhound racing.*

**Particulars of the Charge being**:

1. You were, at all relevant times, a trainer registered with Greyhound Racing Victoria (**GRV**) (Member No. 313332) and a person bound by the Greyhounds Australasia Rules and Local Racing Rules.
2. On 18 May 2023 you were issued a lawful order as follows:

*“You are required to declare your EHMP via the GRV website once it has been issued by a vet”*

1. The lawful order was to be complied with by 5 pm on 1 June 2023.
2. You failed to comply with that lawful order).
3. GAR 156(h) is a serious offence.

**Charge No. 9 of 9**

Greyhounds Australasia Rule **164(b)** reads as follows:

***164 Offences in relation to investigations and inquiries***

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

*(b) refuses or fails to attend or to give evidence at an inquiry (or at any other disciplinary process, hearing or appeal proceeding) or produce a document or other thing in relation to an investigation, examination, test or inquiry (or other disciplinary process, hearing or appeal proceeding) pursuant to the Rules when directed by a Controlling Body, the Stewards, or another authorised person.*

**Particulars of the Charge being**:

1. You were, at all relevant times, a trainer registered with Greyhound Racing Victoria (**GRV**) (Member No. 313332) and a person bound by the Greyhounds Australasia Rules and Local Racing Rules.
2. On 11 October 2023 you were served a Notice of Inquiry via your registered email address.
3. The Notice of Inquiry directed you attend an inquiry via mobile phone at 11.30 am on 12 October 2023.
4. You failed to attend that inquiry.
5. GAR 164(b) is a serious offence.

**Pleas:** Guilty to all Charges.

**DECISION**

1. Mr Daniel Kerruish is a young man in his late 20s. He has been a greyhound owner since 2016, when he was 19 years old, but at the time of these offences had only recently completed registration as an attendant. He can thus be described as an inexperienced participant in the greyhound industry. At present his registration as an attendant has been suspended, as he has failed to lodge the necessary police check.
2. He lives with his grandparents at their house in Werribee. At the time of these events, he owned two racing greyhounds. He had no kennels for these greyhounds and so he set up beds for each of them in his own bedroom in his grandparents’ house. His plan was to convert an old metal shed in his grandparents’ backyard into a kennel for his two greyhounds.
3. It is fair to say that this plan was not well thought through or ever successfully implemented. At the time the greyhound’s living arrangements came to the attention of the Stewards, Mr Kerruish had been called away to Cairns for an extended time because of the death of his other grandfather.
4. He left his greyhounds in the care of his grandparents at their home at Werribee. His grandfather is blind and his grandmother is physically incapacitated.
5. The Stewards visited his grandparents’ house on 20 February 2023 and viewed the living arrangements for the two greyhounds with some alarm. They were particularly concerned that the greyhounds had no access to the outside from their sleeping quarters in his grandfather’s bedroom, although Mr Kerruish and his grandparents were accustomed to putting the dogs beds outside in the back yard during the day and taking the dogs for walks during the day.
6. Mr Kerruish was interstate when the Stewards visited and so the Stewards were shown around the premises by his grandfather. The Stewards tried to make contact with Mr Kerruish by phone on that day. As they could not contact Mr Kerruish, they issued 3 orders on 9 March 2023 to his email address.
7. Mr Kerruish finally contacted the Stewards on 16 March 2023. He apologised and said that he had not been monitoring his emails because of the death of his other grandfather. He said that he wanted to retire one of the greyhounds and would decide about retiring the other on the next day.
8. The Stewards explained to him that he would need to have appropriate kennels for the dogs if they were not retired and that he would also need an Establishment Health Management Plan.
9. Mr Kerruish did nothing further. He was contacted by the Stewards by phone again on 5 April 2023, but he did not answer this call.
10. The Stewards rang him again on 18 May 2023, but were again unable to contact him. It was decided to issue a further 5 orders on that day. They were served to his email address.
11. Mr Kerruish appears to have ignored completely his obligations under these eight orders. The Stewards visited his house again on 28 August 2023, some seven months after the first contact. Mr Kerruish was not present. It was clear from an inspection of the house that the backyard shed had not been converted into a kennel. Further, he also had not filed an Establishment Health Management Plan.
12. As a result of his inaction, Mr Kerruish is before us charged with 9 offences. He has pleaded guilty to each offence.
13. The first offence is that he failed to house his two greyhounds in kennels constructed to standards approved by the Stewards. Clearly the housing of the greyhounds in his bedroom did not comply with that requirement. Nor did the proposed housing of the greyhounds in the shed ever eventuate, as the shed was full of furniture which was stored there and was in any event inappropriate for its intended use as a greyhound kennel.
14. The second offence is that he disobeyed the order made by the Stewards that he updated the fast-track record for his greyhound SALE GRAZE BINDIE to reflect that this greyhound was to be retired from racing. He did not do this until 16 October 2023, despite being ordered to do so by 15 of March 2023.
15. The third offence is that he failed to update the records for his second greyhound, ZIPPING WINNIE, to reflect that this greyhound was also to be retired from racing. He was ordered to do this by 15 March 2023, and did not do so until 16 October 2023.
16. The fourth charge is that he failed to provide kennels which complied with the code of practice in which to keep both his greyhounds, despite being ordered to do so on 18 May 2023. The Stewards issued this order because they formed the view in May 2023 that he did not wish to retire the greyhounds at all. Now that the greyhounds have been retired, it is not necessary for him to build these kennels. However, the charge is that at the time that the order was made, he failed to comply with it.
17. The fifth charge is that he failed to comply with an order made by the Stewards on 18 May 2023 that he relocate both dogs until appropriate kennels for them had been constructed. Once again, this order is predicated on him not having retired the greyhounds.
18. The sixth charge is that he failed to have an Establishment Health Management Plan issued for the premises. He was required to present this plan by an order made on 18 May 2023. Now that the greyhounds have been retired, of course this plan is not required. The charge relates to his failure to comply with the order when it was made.
19. The seventh charge is that he failed to provide a photo of the front cover of his Establishment Health Management Plan. Clearly, he did not do so, as he had no Establishment Health Management Plan in place.
20. The eighth charge is that he failed to declare his Establishment Health Management Plan via the GRV website. Once again, this charge arises out of the fact that he had no Establishment Health Management Plan at all.
21. The Stewards gave Mr Kerruish an opportunity to be interviewed in relation to these matters. An inquiry was listed for 12 October 2023. The inquiry was to have taken place by mobile phone. Mr Kerruish was advised of this arrangement, but failed to answer his mobile phone at the time of the inquiry. Therefore he has been charged with the last offence, which is a charge of failing to attend the inquiry.
22. Thus, it can be seen that all of these charges arise out of the initial failure of Mr Kerruish to act upon requirements pointed out at the time of the initial inspection by the Stewards of the living arrangements of his two greyhounds on 20 February 2023.
23. When viewed individually, each one of these charges, apart from charge 9, is relatively minor. However, Mr Kerruish’s behaviour shows a pattern of completely ignoring the authority of the Stewards. This attitude must be denounced. The Stewards have the responsibility of protecting the industry by enforcing proper standards of care of active greyhounds in the industry. A cavalier attitude towards these standards is evident from Mr Kerruish’s interactions with the Stewards. General deterrence is very important. This Tribunal has an obligation to demonstrate to all industry participants that there must be compliance with the orders of the Stewards. Non-compliance reflects very poorly on the industry as a whole.
24. Mr Kerruish is clearly inexperienced in the industry and ultimately both greyhounds were retired, even though this occurred after excessive delay. There is no suggestion that the greyhounds have been mistreated in any way. I accept that at all times Mr Kerruish and his grandparents have cared for the dogs as members of their family.
25. I also take into account that he has pleaded guilty to each charge, and that this matter has been hanging over his head for quite some time due to the backlog of cases within the prosecution section of the GRV. Further, he has no prior offences.
26. I accept Mr Kerruish’s evidence to us that his noncompliance with the orders came about because he was suffering from severe mental illness occasioned by the death of his grandfather. He told this Tribunal that he has only recently started to obtain help from a psychologist to deal with this trauma. He described himself as having lost track and fallen behind with his obligations. He has apologised for this. I accept that there was no wilful or deliberate attempt by him to flout the orders of the Stewards. The requirements of the Stewards were reasonable and could have been easily met by Mr Kerruish if he had not been suffering from the psychological disturbance which he has described to the Tribunal. In these circumstances, I do not place great emphasis on the principle of specific deterrence.
27. Mr Kerruish now works full-time as an account manager. He has no plans to re-enter the industry in the short term, but may do so once he has reestablished his life, as he has a strong interest in greyhound racing as a hobby. The present two greyhounds are aging and are simply family pets.
28. Taking all these matters into account, it is the view of the Tribunal that charge 9, which is the charge of failing to attend the inquiry, is the most serious charge. The Stewards cannot perform their functions if industry participants fail to cooperate with their investigations and enquiries. In respect of this charge, the penalty which we impose is a period of disqualification for 6 months, to commence from 7 January 2025, being the date of his suspension.
29. As to the remaining charges:

The first charge which is a charge that he failed to provide kennels constructed to a standard approved by the Stewards.

The second charge which is a charge that he failed to comply with an order to update fast track in relation to the greyhound SALE GRAZE BINDIE.

The third charge which is a charge that he failed to update fast track records in relation to the greyhound ZIPPING WINNIE.

The fourth charge which is a charge that he disobeyed an order made on 18 May 2023 to create kennels constructed to a standard approved by the Stewards.

The fifth charge which is a charge that he disobeyed an order to relocate both greyhounds until the kennels were compliant.

The sixth charge is which is a charge that he failed to have an Establishment Health Management Plan issued.

The seventh charge which is a charge that he failed to provide a photo of the front cover of the Establishment Management Health Plan

The eighth charge which is a charge that he failed to comply with in order to declare his Establishment Health Management Plan via the GRV website

1. The penalty which I impose on charges 2 to 8 is an aggregate period of disqualification for 3 months, with one month of that aggregate penalty to be served cumulatively on the penalty to be imposed for charge 9, making a total effective period of disqualification of 7 months.
2. The penalty on charge 1 is a fine of $1,500.

Mark Howard

Registrar, Victorian Racing Tribunal