21 August 2025

**DECISION**

**GREYHOUND RACING VICTORIA**

**and**

**SUSAN RICHARDS**

**Date of Hearing:** 19 August 2025

**Date of Decision:** 19 August 2025

**Panel:** Magistrate Peter Reardon (Chairperson), Ms Amanda Dickens and Mr Des Gleeson.

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

Ms Susan Richards represented herself.

**Charge:** Local Racing Rule (“LR”) 14.3.1 states:

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

14.3.1 within two working days of the date of death (and prior to disposal of the body of the deceased greyhound), the Owner or person responsible for the greyhound must notify the Controlling Body 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 14.2.3);

**Particulars of charge:** 1. You were, at all relevant times, a trainer registered with Greyhound Racing Victoria (GRV) (Member No. 34372) and a person bound by the Greyhounds Australasia Rules and Local Racing Rules.

2. From 13 June 2024, you were the owner of, and had the care of, greyhound ‘Unnamed’ (VMINS).

3. On 7 September 2024, this greyhound died at your kennel address in Devon Meadows, Victoria due to an accident.

4. You failed to notify the Board prior to disposing of the body of ‘Unnamed’ (VMINS).

**Plea:** Not Guilty

**DECISION**

1. Ms Susan Richards, at all relevant times, was a trainer registered with Greyhound Racing Victoria (“GRV”) and a person bound by the Greyhounds Australasia Rules (“GAR”) and Local Racing Rules (“LR”). She was the owner of an unnamed greyhound that she called “Girl”.
2. The unnamed greyhound was trained and cared for by Ms Richards at her kennel address in Devon Meadows, Victoria, where she raised and trained approximately 30 greyhounds at any one time in a mixture of indoor kennels and outdoor yards.
3. On 7 September 2024, the greyhound Girl died at her kennel address to an accident. Ms Richards is charged with the offence pursuant to LR 14.3.1 – failing to notify GRV prior to disposing of the body of the unnamed greyhound. She has pleaded not guilty to the charge.
4. The Tribunal notes at the outset that the factual circumstances regarding what occurred are not in dispute in this matter.
5. At approximately 10.30am on Saturday, 7 September 2024, Ms Richards was walking into her kennel block and saw Girl stuck in between the back of her kennel. The greyhound had been attempting to escape from her kennel and had jumped up at the rear but got her head wedged in between the back wall and a gap between an internal mesh roof. Ms Richards was unable to get the roof off by herself and called her son, Mr Craig Hart, for assistance.
6. Ms Richards attempted to hold the greyhound up in an effort to save her. When Mr Hart arrived, and he was able to lift the mesh roof off. Unfortunately, the greyhound was deceased and unable to be revived. Ms Richards left the body of the greyhound covered in a quiet area so as not to upset anybody on the property, including herself or other greyhounds.
7. Ms Richards told Mr Hart to leave the body as she was aware of her obligation and responsibility to notify GRV of the death of the greyhound prior to being able to bury it.
8. Ms Richards called GRV Investigative Steward, Mr Brent Scarlett, to notify him of the death, however, she received his voicemail and left a message. When Mr Scarlett did not return her call, it was her intention to notify him of the death and get permission to bury the greyhound. It was never her intention to have the greyhound buried without first receiving permission from GRV to do so.
9. On Sunday, 8 September 2024, Ms Richards attended the Healesville Greyhound Racing Club as she was racing other greyhounds that day. When she returned home, she discovered that Mr Hart had buried Girl on her property, despite her specific instructions not to do so. Mr Hart had not taken the greyhound for a veterinary examination prior to burying her.
10. On 9 September 2024, Ms Richards called GRV to notify them of the death of Girl and what had occurred. On 19 September 2024, GRV Stewards conducted an Inquiry with Ms Richards at the Cranbourne Greyhound Racing Club in relation to the death and disposal of Girl.
11. Ms Richards was cooperative and honest with the Stewards. She gave a full account of the incident. In summary, she stated to them that the situation was out of her control and what occurred was against her explicit instructions.
12. GRV accepts the explanation of Ms Richards and does not take issue with her version of events.
13. The offence pursuant to LR 14.3.1 is a strict liability offence, with the Tribunal applying the comfortable satisfaction standard of proof. Ms Richards appears to be raising an honest and reasonable belief defence, namely she had the belief that Mr Hart would not disobey her clear instructions. However, she was wrong, and he did. This defence may be sufficient itself for the charge to be dismissed as the Stewards have to dispute such a defence if it is legitimately raised.
14. Further, a defence of novus actus interveniens may also be applicable in this case.
15. The onus of proof is always on the Stewards to prove its case to the level of comfortable satisfaction. This is a rather unusual case as Ms Richards, supported by her son, raises a possible defence of novus actus interveniens. Ms Richards knew what her obligations were and intended to lawfully carry out her legal duty. However, the removal and burial of the greyhound’s body was out of her control despite her explicit instructions to her son. Mr Hart buried the greyhound without the authority, consent or involvement of Ms Richards.
16. This type of defence is more often pleaded in civil cases and rarely in criminal cases. However, there seems no reason, in appropriate circumstances, why it could not apply in cases before regulatory bodies or Tribunals, like the VRT, unless specifically excluded.
17. If this raised defence is not quite all fours with novus actus interveniens, it is very similar to it and appears to be a legitimate defence. The defence put forward by Ms Richards refers to a new intervening act or event that breaks the link between the actions and intentions of Ms Richards and the causation outcome, as it was an independent act which was unforeseeable and outside the control of Ms Richards and was the sole cause of committing the forbidden act.
18. Mr Hart is an adult and is not a partner or employee of Ms Richards. He does not reside of the kennelling address of Ms Richards, and he only attended the property on 7 September 2024 as a response to his mother’s request for assistance. He attended again on 8 September 2024 to bury the greyhound, given what had occurred the previous day. As stated, the actions of Mr Hart on 8 September 2024 were against the explicit instructions of Ms Richards.
19. As previously stated, the factual matters are not disputed by GRV. The version of events put forward by Ms Richards are accepted and have been from the outset since 9 September 2024.
20. The Tribunal accepts that Ms Richards is honest and credible. Her version of events are accepted. The Tribunal finds the causation chain was broken and that Mr Hart, despite her explicit instructions and authority, made an independent choice not known to Ms Richards and buried the greyhound entirely out of her control.
21. Therefore, the Tribunal accepts that the Stewards have not disproved either of the defences of honest and reasonable belief and/or novus actus interveniens, both properly raised by the unrepresented Ms Richards. Accordingly, the charge is dismissed.

Kathleen Scully

Assistant Registrar, Victorian Racing Tribunal