

Racing Appeals & Disciplinary Board

Media Release

Date of Hearing: Monday, 9th November 2015.
Venue of Hearing: RADB Hearing Room, 46-50 Chetwynd Street, West Melbourne.
Panel: Mr. John Wardle (Chairman), Mr. Terry O'Connor (Deputy Chairman and Mr. David Gleeson.
Name of Persons Charged: Mr. Derryn Harrison and Mrs. Melissa Harrison.
Suburb: Marong.
Date: Wednesday, 4th March 2015.

PENALTY DECISION:

On 9 November 2015 the RADB handed down its decision in relation to a total of six charges against Mr Derryn Harrison and Mrs Melissa Harrison. The RADB found them guilty on four charges (two charges each under Greyhounds Australia Rules GAR 106 (1) (a) and (1) (c)) and determined that it had no jurisdiction the two charges under Local Racing Rule LRR 42.2. The RADB reserved its decision in relation to penalty on the four charges and now hands down that decision.

BACKGROUND:

1. Mr And Mrs Harrison are registered trainers and conduct a greyhound rearing business under the name Marong Lodge from two properties – one at 537 Wimmera Highway, Marong, which they own and reside at and the other at 612 Oswalds Road, Campbells Forest, owned by Derryn's brother who doesn't permanently reside there. The Harrisons are awaiting a planning permit from the Loddon Shire Council in respect of the Oswalds Road property regarding the usage of that property for greyhound related activities and GRV have been assisting them with their application. The Oswalds Road property is situated about 15 minutes drive from the Wimmera Road Property.
2. Derryn is responsible for looking after the Wimmera Highway property and Melissa has primary responsibility for Oswalds Road. At the time of the offences (4 March 2015), the Harrisons had between 50 and 80 pups aged from 3 to 12 months which they were whelping and rearing. They now rear about 60 pups, about two-thirds of which are located at Oswalds Road and the remainder at Wimmera Highway. Derryn also has five racing greyhounds in his name and Melissa one.
3. The offences relate to conditions at the Oswalds Road property on the day of a random kennel inspection there by two Animal Welfare Officers (AWO) of GRV. The issues concerned the cleanliness of the yards and the adequacy of the provision of food and water for the dogs. Melissa explained that she had been to the vet's surgery that morning and because Derryn had been quite ill, she had been unable to attend to some of her normal duties. These involved cleaning out the yards as required, and making sure proper and sufficient food and drink was still available. She said that the dogs were fed and watered twice a day but as they are pups, they sometimes tipped over their food and drink and

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muddied the drinking water with their feet, especially in hot weather. Photographs were taken by the AWOs. Melissa admitted that some of the issues appeared to be unsatisfactory, subject to her explanations above and being under pressure on that particular day. She had picked up the bulk meat for the dogs early that morning because Derryn was ill. There was no issue of a compromise in the welfare or condition of any of the greyhounds at the properties or that they had not been provided with proper veterinary care. Melissa had previously been a vet nurse for 10 years.

4. The Harrisons worked with the AWOs in improving the standards at the properties. A further inspection of the property was carried out on 24 July 2015. Although the AWOs still had some concerns with similar issues to the earlier charges, no new charges were laid. No further inspections have been carried out but a work plan is in place and there has been regular verbal communication between the Harrisons and the AWOs. Further the Harrisons have recently employed another woman with greyhound industry experience to work part-time at the Oswald Road property. Mr Adam Evans (AWO) gave evidence to the effect that he expected the Harrisons to meet the standards set.

PENALTY:

This has been a difficult matter to assess penalty. The Stewards submitted that these offences fell within the high end of the category 1 Animal Welfare Penalty Guidelines published by GRV and effective 1 July 2014, for which the minimum guideline penalty was a fine of \$500 with or without a three month disqualification. There have been no similar offences in the last six years and such offences prior to then did not involve a commercial operation like the Harrisons. That said, the penalties usually resulted in a short period of disqualification. In the Racing Appeals Tribunal cases of Stevenson (2003) and Cowan (2005) where disqualification periods of 12 months were imposed there were issues involved which had compromised the welfare of the greyhounds. Indeed penalty recommendations under the Animal Welfare Guidelines are to some extent predicated on the degree of welfare compromise notwithstanding that the Stewards' case was that this was a high end category 1 matter.

Both Derryn and Melissa have clean records in the industry. Eight character references, mostly from clients and former clients, were tendered to the RADB on their behalf, attesting to the care given to the greyhounds by the Harrisons. There was no suggestion or charge that any greyhound in their care was suffering pain or in poor health. A greyhound taken to the vet by Melissa at the direction of the AWOs was found not to require vet attention and was being correctly treated by Melissa.

The Harrisons pleaded guilty to the charges. Ironically they were prepared to plead guilty to the charges under LRR 42.2 which had been brought in error by the Stewards. They have put plans and improvements in place to address GRV's concerns. They have a smaller number of greyhounds to supervise at the properties and now have an employee to help them at Oswald Road. They are running a commercial operation and should be, as were the RADB, disappointed and concerned with what was shown in the photographs tendered in evidence. This is their only form of income. In the RADB's view, a meaningful penalty must be imposed in this case to deter them from again falling below acceptable standards of greyhound husbandry, as well as deterring others who rear or otherwise look after greyhounds whether commercially or on a hobby basis. GRV is rightly concerned about the importance of animal welfare issues and has appropriate codes of conduct in place for participants to avail themselves of.

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In the circumstances the RADB have determined that a composite penalty should be imposed as although Melissa Harrison was primarily responsible for the state of the Oswalds Road property on 4 March 2015, she and her husband Derryn operated a joint business. The RADB consider that the appropriate penalty is a fine of \$ 1000 payable within the next 28 days plus a disqualification of 6 months, with the disqualification wholly suspended for 12 months pending no further breaches of the animal welfare provisions of the Local Racing Rules or the Greyhound Australasia Rules during this period, effective from today.

J. Wardle (Chairman)

T. O'Connor (Deputy Chairman)

D. Gleeson (Member)