



**ANIMAL WELFARE**

**PENALTY GUIDELINES**

**Effective 1<sup>st</sup> July 2014**

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## INTRODUCTION

This guideline has been formulated by the GRV Greyhound Welfare Department to provide advice to participants regarding welfare related offences.

GRV places the welfare of its racing greyhounds as a tremendous priority and, as such, participants are expected to provide high standards of husbandry and care to all greyhounds in their custody.

Since March 2010, the local racing rules have deemed that charges where the welfare of the greyhounds is compromised by the way in which the greyhounds are housed and cared for, and the way they are treated by participants are categorized as 'Serious Offences'. As a consequence, hearings and penalty imposition in such matters is undertaken by the GRV Racing Appeals and Disciplinary Board.

Although welfare related breaches are uncommon, we feel that the penalties handed down to registered persons needs to reflect the importance of good welfare practices to the industry.

## THE NATURE OF PENALTY GUIDELINES

Penalties for animal welfare related offences should not, and cannot be seen in any way as mandatory. Each offence is to be treated on an individual basis according to accepted procedural fairness and natural justice. Whilst guidelines may play a part in the imposition of penalty, so do other factors including the participant's industry record, evidence as presented and the prevailing circumstances that arise at any inquiry or appeal.

It is important for participants to note that this document refers only to penalties imposed under the powers of the *Racing Act 1958* and that serious breaches may also be prosecuted under the *Prevention of Cruelty to Animals Act 1986* by officers authorised under that Act (RSPCA Inspectors, Victoria Police, Authorised Council Officers etc.). GRV works in co-operation with these agencies, and may refer matters to them where the breach warrants further investigation.

## RELEVANT RULES

The primary rules dealing with the welfare of greyhounds are GAR 106 and LR 42. Participants should ensure they are aware of the most current rules available online at [www.grv.org.au](http://www.grv.org.au) but as of 1 January 2014, these rules read as follows:

### GAR 106 PROPER CARE (WELFARE) OF GREYHOUNDS

**(1)** A registered person must ensure that greyhounds, which are in the person's care or custody, are provided at all times with-

- (a) proper and sufficient food, drink and protective apparel;
- (b) proper exercise;
- (c) kennels constructed and of a standard approved by the Controlling Body which are adequate in size and which are kept in a clean and sanitary condition; and
- (d) veterinary attention when necessary

**(2)** A registered person must exercise such reasonable care and supervision as may be necessary to prevent greyhounds pursuant to the person's care or custody from being subjected to unnecessary pain or suffering.

**(3)** At any time after the registration of a litter, the last registered owner or person responsible for the greyhound at the relevant time, shall, notify the Controlling Body by lodging the prescribed form:

- (a) within ten working days, if that greyhound has transferred ownership, been retired as a pet or a breeding greyhound, been transferred to an adoption program, exported, surrendered to another agency;
- (b) within two working days if that greyhound has been humanely euthanased by a veterinary surgeon or deceased. (amended – 01.01.14)

**(4)** It shall be a requirement to include a veterinary certificate of euthanasia when lodging the appropriate form for any greyhound that has been euthanased by that veterinary surgeon.

**(5)** An owner or person responsible at the relevant time who fails to comply with any provision of this rule shall be guilty of an offence and liable to a penalty in accordance with Rule 95. (amended 01.01.11)

## GRV LOCAL RULES PART 12 – WELFARE OF GREYHOUNDS

42.1 It is a Serious Offence if a person keeps a greyhound in conditions which are dangerous or detrimental to the health and safety of a greyhound.

42.2 A person shall not in the keeping of any greyhound cause or permit that greyhound to suffer in any manner on any premises owned or occupied by that person or permit any nuisance or other condition that is likely to be dangerous to the health or safety of that greyhound or which is otherwise offensive.

42.3 For the purposes of GAR106(3), the Board directs the last registered owner of that greyhound will be responsible for that greyhound and shall advise the Board if that greyhound is to be retired as a pet, a breeding greyhound, a GAP greyhound, or has been humanely euthanised by a veterinarian.

(a) If the Board has been advised that a greyhound is retired as a pet, a breeding greyhound or a GAP greyhound, such greyhound shall be required to undergo a veterinary examination and perform a satisfactory trial Pursuant to GAR 71 & 72 and LRR 38.1 before and further nomination will be accepted. (GRV 25.10.11)

42.4 (a) On the sale or disposal of an unnamed greyhounds, the breeders or last registered owner must within ten (10) working days of the sale or disposal, notify the Board using the appropriate form of that occurrence.

(b) A person who purchases or acquires the ownership of an unnamed greyhound must within ten (10) working days, notify the Board of the purchase or acquisition using the appropriate form of that occurrence.

## MINIMUM STANDARDS OF HOUSING & CARE

GRV considers that the minimum standards of housing and care are those outlined in the Victorian Government's *'Code of Practice for the Operation of Greyhound Establishments'*.

This code outlines minimum kennel and enclosure sizes as well as expected standards for nutrition, health care, hygiene, staffing levels and exercise.

Copies of the Code can be obtained from GRV, or by accessing the DEPI website <http://www.depi.vic.gov.au/pets>

## PENALTY GUIDELINES

Penalties for animal welfare related offences should not, and cannot be seen in any way as mandatory. Each welfare-related offence is treated on an individual basis according to accepted procedural fairness and natural justice.

The penalties that Stewards may seek from the Racing Appeals & Disciplinary Board are linked to the seriousness of the welfare breach, and the number of greyhounds involved.

Aggregating factors that may be considered include previous convictions, as well as participant responses to any prior GRV interventions – such as failure to make changes subsequent to previous unsatisfactory kennel inspections, adherence to GRV work plans aimed at addressing identified issues, and adherence to time frames for rectification of identified issues.

Mitigating factors that may be considered include personal circumstances or a guilty plea.

## OFFENCES

### FAILURE TO PROVIDE NOTIFICATION OF EUTHANASIA OR DEATH (GAR 106 3(B))

The tracking of greyhounds throughout their lifecycle is an important part of the industry's accountability. Registered participants whose greyhounds have not raced in the past 6 months are prompted through a series of mailed notifications to submit the required retirement notification.

**PENALTY GUIDELINE: Minimum - \$50 late lodgment fee per month for each notification not lodged. Participants who repeatedly fail to provide notification to be subject to an inquiry & a fine of a minimum \$500**

### FAILURE TO PROVIDE A VETERINARY CERTIFICATE OF EUTHANASIA WHERE THE GREYHOUND HAS BEEN EUTHANASED (GAR 106 4)

Where a greyhound has been humanely euthanased by a Veterinarian, it is expected that the Veterinary Surgeon will issue a certificate noting the identity of the greyhound, and the date of euthanasia.

In all but very extenuating circumstances, it is expected that greyhounds will be presented to a veterinarian for euthanasia by lethal injection when euthanasia is required.

The DEPI Code of Practice for the Private Keeping of Dogs states '*dogs or puppies MUST NOT be killed by being drowned, poisoned or gassed*', and although it does condone a gunshot into the brain at close range as being humane, GRV does not endorse this method of euthanasia due to the serious damage it does to the industry's reputation. It is not a sufficient defense for a participant to argue that the cost of euthanasia by a veterinarian was prohibitive, or that transporting the greyhound to the **nearest** veterinarian (not the participant's veterinarian of choice or the nearest greyhound veterinarian) would compromise the welfare of the greyhound, unless that transport would take more than an hour at regular driving speeds.

**PENALTY GUIDELINE: Minimum – 2 year disqualification as from the date of penalty imposed +/- \$2000 fine. In cases involving the breeding of greyhounds – banned from breeding greyhounds for a minimum of 10 years**

## SERIOUS OFFENCES

The Local Rules PART 17: Serious Offences - 47.1(l) defines breaches of GAR 106 (1) & (2) as 'serious' offences. GAR 106(1) is the rule relating to the provision of adequate food, water & protective apparel, proper exercise, provision of kennels that meet the standards of the controlling body, and the provision of veterinary care when necessary. GAR 106(2) relates to the provision of reasonable care and supervision necessary to prevent pain and suffering.

Where the welfare of greyhounds has been compromised, it may be that there is an overlap of breaches under both parts of this rule. Penalty guidelines for each level of offence are listed below. Please note that 'Suspended Sentences' are not considered appropriate where the charge relates to the welfare of the greyhounds in a participants care.

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### CATEGORY 1 – WELFARE COMPROMISE – WHERE THE GREYHOUND INVOLVED IS EXPECTED TO MAKE A FULL PHYSICAL RECOVERY

**PENALTY GUIDELINE: Minimum - \$500 fine +/- 3 month disqualification as from the date of penalty imposed**

Examples may include – failure to provide adequate cleanliness & hygiene, transporting a greyhound in a manner that contravenes the GRV transport policy, hitting or kicking a greyhound

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### CATEGORY 2 – WELFARE COMPROMISE – LEADING TO ONGOING INCAPACITATION OF THE GREYHOUND

**PENALTY GUIDELINE: Minimum – 6 month disqualification as from the date of penalty imposed +/- \$1000 fine**

Any welfare compromise that leads to the greyhound suffering an injury or similar, that will result in ongoing physical debilitation, or where the lack of care has led to the greyhound requiring extensive rehabilitation to return it to an acceptable level of health

Examples include: lack of veterinary care that leads to ongoing/chronic lameness, physical assault that leads to loss of an eye or similar, lack of sufficient food over a period that leads to the greyhound becoming emaciated

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### CATEGORY 3 – WELFARE COMPROMISE – INVOLVING MORE THAN 2 GREYHOUNDS

In cases where the welfare of numerous greyhounds is compromised, the penalty handed down is expected to be greater, particularly if the registered person is involved in the breeding of greyhounds.

**PENALTY GUIDELINE: Minimum – 12 months disqualification as from the date of penalty imposed. In cases involving the breeding of greyhounds – banned from breeding greyhounds for a minimum of 5 years +/- minimum \$1000 fine**

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### CATEGORY 4 – WELFARE COMPROMISE – LEADING TO THE DEATH OF THE GREYHOUND

**PENALTY GUIDELINE: Minimum – 2 year disqualification as from the date of penalty imposed +/- \$2000 fine**

Examples: leaving a greyhound in a vehicle or kennel facility causing it to die of heat stroke, failing to provide sufficient food or water leading to death or such severe emaciation that euthanasia is deemed necessary by a veterinary surgeon, failing to provide veterinary attention leading to the subsequent death (or euthanasia is deemed necessary by a veterinary surgeon) of the greyhound

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### CATEGORY 5 – WELFARE COMPROMISE - LEADING TO THE DEATHS OF MORE THAN ONE GREYHOUND

**PENALTY GUIDELINE: Minimum 3 years disqualification as from the date of penalty imposed. In cases involving the breeding of greyhounds – banned from breeding greyhounds for a minimum of 10 years +/- \$2000 fine for each deceased greyhound**

LIVE BAITING/BLOODING OF GREYHOUNDS

The use of live animals for the training of greyhounds carries a significant penalty (including imprisonment) under the *Prevention of Cruelty to Animals Act 1986*:

**13 Baiting and luring**

(1) A person who—

.....

(d) uses an animal as a lure or kill for the purpose of blooding greyhounds or in connexion with the training and racing of any coursing dog; or

(e) keeps or has the custody, care or control of an animal for use as a lure or kill for the purpose of blooding greyhounds or in connexion with the training and racing of any coursing dog—

*is guilty of an offence and is liable to a penalty of not more than, in the case of a natural person, 240 penalty units or imprisonment for 2 years or, in the case of a body corporate, 1200 penalty units.*

GRV registered participants who are found guilty of baiting or luring will be referred to the appropriate authority for full investigation & prosecution. The impact of such behavior on the Industry is significant, and therefore any registered persons found guilty of such an act will be liable to an offence under GAR 86 (q), GAR 86 (ad) and/or GAR 86 (af).

**PENALTY GUIDELINE: Disqualification for 10 years from the date of penalty imposed.**

It is important for participants to note that this document refers only to penalties imposed under the powers of the *Racing Act 1958* and that serious breaches may also be prosecuted under the *Prevention of Cruelty to Animals Act 1986* by officers authorised under that Act (RSPCA Inspectors, Victoria Police, Authorised Council Officers etc.).

GRV works in co-operation with these agencies, and may refer matters to them where the breach warrants further investigation. Any participant who is charged with an animal welfare related offence needs to be aware that GRV will refer the matter to the RSPCA for further investigation if it is deemed to have breached (or potentially breached) the *Prevention of Cruelty to Animals Act*. The decision to refer will be made by the Chief Steward in consultation with the CEO, the General Manager – Racing, Integrity & Welfare, and the Greyhound Welfare Manager.

The Act is very specific in regards to the maximum penalties for each offence, and participants should be aware that they may be charged under this Act as well as being charged under the greyhound racing rules. Charges laid under this Act are heard in the Magistrates Court, and participants found guilty may also be liable for court costs in addition to the penalty imposed.

Note: The Victorian Government website lists the current value of a penalty unit. The amount changes every year, but in the 2013-2014 financial year is equal to \$144.36. This amount has been used to calculate the fine value shown in brackets below.

## 9 Cruelty

.....is liable to a penalty of not more than, in the case of a natural person, **246 penalty units (\$35,513) or imprisonment for 12 months** or, in the case of a body corporate, 600 penalty units (\$86,616).

## 10 Aggravated cruelty

.....A person who commits an act of cruelty upon any animal which results in the death or serious disablement of the animal commits an act of aggravated cruelty upon that animal and is guilty of an offence and is liable to a penalty of not more than, in the case of a natural person, **492 penalty units (\$71,025) or imprisonment for 2 years** or, in the case of a body corporate, 1200 (\$173,232) penalty units.

## 12 Serious offences

- (1) If a person has been convicted, found guilty or found not guilty because of mental impairment of one or more offences under this Act and a court considers that the offence or offences committed, or that would have been committed in the case of a person found not guilty because of mental impairment, is or are of a serious nature, the court may, in addition to or instead of any other penalty, order—
  - (a) that the person be disqualified for the period (not exceeding 10 years) specified in the order, from being a person in charge of an animal of a kind or class specified in the order; or
  - (b) that the conditions, specified in the order, apply for the period specified in the order to the person whenever the person is a person in charge of an animal.

## 13 Baiting and luring

.....is guilty of an offence and is liable to a penalty of not more than, in the case of a natural person, **240 penalty units (\$34,646) or imprisonment for 2 years** or, in the case of a body corporate, 1200 penalty units.

## REQUIREMENTS FOR RETURNING FROM DISQUALIFICATION

Where the license (Trainer's License, Breeder's License) or membership of a participant has been disqualified (not suspended) as a result of a welfare related breach, re-registration will be at the discretion of the Controlling Body and it will be a condition of return to the industry for that person to undergo the application process in the same manner as a new participant, with the exception of the practical demonstration of handling competence. Participants will be informed that this will be a requirement for re-registration at the time of receiving their penalty.

Re-registration, if granted, will include the requirement for a Kennel Inspection (Code of Practice compliance audit), and the requirement to produce evidence of appropriate council permissions for the keeping of greyhounds (planning permit, local laws permit, excess animal permit, etc.) prior to the issuing of a new license.

Those participants who are re-applying who cannot meet these requirements will not be issued a license until such time as they are fully compliant.