



Penalty Guidelines – Greyhound Welfare

2018

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Introduction

These guidelines have been formulated by Greyhound Racing Victoria (GRV) to provide advice to participants regarding greyhound welfare related offences.

Penalties are determined by considering a number of factors, including the need to:

- ensure acceptable standards of greyhound welfare in the industry;
- deter the individual from committing similar offences;
- deter others in the industry from committing similar offences;
- demonstrate to the industry that the relevant conduct is not acceptable;
- ensure any punishment imposed is reasonable, taking into account the specific circumstances of the individual and the offence committed;
- ensure a level playing field for all participants and the betting public; and
- maintain community trust and public confidence in the industry, by ensuring the reputation of the industry is preserved.

These guidelines also indicate:

- the types of aggravating factors that may be taken into account by GRV in determining an appropriate penalty for welfare offences;
- the types of mitigating factors that may be taken into account by GRV in determining an appropriate penalty for welfare offences;
- the range of likely penalties to be imposed for certain offences; and
- the minimum penalty that GRV is likely to seek for welfare offences unless the mitigating circumstances related to the individual matter are sufficient to indicate a penalty lower than the minimum may be appropriate.

Animal welfare always comes first

As a regulator, GRV has no tolerance for participants that mistreat their animals. Penalties must make this clear to participants, the wider greyhound industry and the community.

Welfare offences are treated on an individual basis according to legislation, rules, procedural fairness and natural justice. Previous convictions will be taken into account when deciding the severity of the penalty to be imposed.

These guidelines provide penalties for non-compliance that:

- are in line with community expectations; and
- apply a strict approach to serious non-compliance while allowing for discretion when dealing with low-level non-compliance.

The penalty ranges suggested in this document are only a guide, and are not in any way mandatory, nor do they bind the Racing Appeals and Disciplinary Board (RADB) in their decision making. Any aggravating or mitigating circumstances that may exist in each individual case will be considered.

Relevant rules

Rules dealing with the welfare of greyhounds are available on the GRV website www.grv.org.au. Participants should be aware that rules are subject to change and must ensure they keep abreast of the most current rules.

Participants should be aware that in addition to GRV or RADB penalties they may also be liable to prosecution under the *Prevention of Cruelty to Animals Act 1986* or the *Domestic Animals Act 1994*. The Table at Attachment A briefly outlines relevant offences and penalties under these Acts.

Penalty guidelines

The penalties that Stewards may apply or that GRV will seek from the RADB are linked to the seriousness of the welfare breach. Aggravating factors that may be considered include:

- prior offending in Australia or in another country
- impact on greyhound(s) welfare
- lack of remorse
- lack of response to any prior GRV interventions, such as failure to make changes following previous unsatisfactory kennel inspections
- non-adherence to GRV work plans aimed at addressing identified issues
- non-adherence to time frames for rectifying identified issues
- general greyhound welfare conditions that do not meet minimum standards of care
- greyhound condition that may indicate less than optimum health
- allowing a person of insufficient experience or training to have care of greyhound(s)
- offender in position of responsibility
- failure to cooperate with an inquiry or investigation
- finding of guilt under the *Prevention of Cruelty to Animals Act 1986*
- finding of guilt under the *Domestic Animals Act 1994*

Mitigating factors that may be considered include:

- an early guilty plea
- remorse
- steps taken by the participant since the offence to ensure no similar breaches of the rules will occur in the future
- good previous record
- cooperation with inquiry and key admissions
- personal circumstances
- special circumstances
- character and personal references

The above aggravating and mitigating factors are not intended to be exhaustive and consideration will be given to any factor that is relevant to the offending and the offender.

Category 1 - failure to provide minimum conditions for the care of a greyhound

Category 1 offences are a failure to provide basic housing and care for a greyhound.

Examples:

- insufficient clean water
- unclean or unhygienic kennels or yards
- not keeping kennels or yards free from hazards
- inappropriate or unsanitary pens, sleeping areas, bedding or shelter

Minimum penalty	\$1000 fine per affected greyhound
Maximum penalty	Two year suspension plus \$1500 fine per affected greyhound

Category 2 - failure to provide minimum standards for the care of a greyhound with potential for negative impact on greyhound welfare

Failure to provide a minimum standard of care for a greyhound that may result in greyhound ill health or suffering, or a need for non-urgent veterinary intervention.

Examples:

- water not available or unhygienic leading to dehydration or ill health
- not being able to provide evidence of current vaccination against distemper, hepatitis, canine cough and parvovirus
- not being able to provide evidence of a proven effective and safe worming program
- inappropriate exercise

Minimum penalty	Six month suspension and \$2000 fine per affected greyhound
Maximum penalty	Five year disqualification plus \$3000 fine per affected greyhound

Category 3 – failure to provide minimum standards for the care of a greyhound resulting in greyhound ill health, pain or suffering

Deliberate or negligent failure to provide standards of care causing unnecessary pain or suffering that requires medical treatment or attention, or may result in ongoing debilitation of a greyhound, or a need for rehabilitation to return it to an acceptable level of health.

This could include lack of appropriate veterinary care, or lack of sufficient food over a period that leads to the greyhound becoming emaciated and requiring veterinary care to rehabilitate.

Examples:

- knowingly keeping a greyhound with an injury without seeking timely and appropriate veterinary care and treatment
- instances where a greyhound has been knowingly left in pain and suffering for a period of time (for example, dog fight wounds, painful musculoskeletal injury)
- ulcerated, abscessed or painful pressure sores
- severe, chronic dental diseases without appropriate veterinary attention

Minimum penalty	Two year disqualification and \$3000 fine per affected greyhound
Maximum penalty	Ten year disqualification plus \$3000 fine per affected greyhound

Category 4 – causing unnecessary pain or suffering to a greyhound

Doing or omitting to do anything that causes unnecessary and unjustifiable pain or suffering to a greyhound.

This includes, but is not limited to:

- deliberate dereliction of duty to provide care that leads to undue pain or distress, including abandonment
- inflicting excessive or repeated unnecessary pain or suffering
- administering toxic or noxious substances
- failure to provide preventative health care (for example, vaccinations) leading to pain and suffering
- failure to provide preventative health care that could result in a greyhound being a health risk to other greyhounds (for example, infectious disease)
- failure to provide appropriate veterinary attention leading to subsequent death (or euthanasia deemed necessary by a veterinary surgeon)

Examples:

- failure to provide sufficient food leading to a body condition score between 1 and 1.5
- failure to provide vaccinations leading to a life threatening disease
- failure to provide sufficient or clean water leading to dehydration or illness

- leaving a greyhound in a vehicle or kennel facility causing it to die of or become seriously ill from heat stroke
- performing a procedure that would ordinarily be expected to be performed by a veterinary surgeon (for example, tail amputation, suturing a wound)

Minimum penalty	Five year disqualification and \$7000 fine per affected greyhound
Maximum penalty	Life disqualification plus \$7000 fine per affected greyhound

Category 5 – causing harm to a greyhound

Intentionally, knowingly, or recklessly taking an action that mistreats or kills any greyhound without just cause. Any act, including prolonged or deliberate ill treatment or neglect, that may result in death, deformity or serious disablement, harm that endangers the life of the greyhound, or an injury that results in a significant or longstanding injury to the greyhound.

Examples:

- torturing, tormenting, mutilating, maiming, poisoning
- abandonment that results in serious harm or death
- failure to provide sufficient food or water leading to death or such severe emaciation that euthanasia is deemed necessary by a veterinary surgeon
- killing an animal in a manner other than euthanasia allowed under the Rules

Minimum penalty	Seven year disqualification and \$7000 fine per affected greyhound
Maximum penalty	Life disqualification plus \$7000 fine per affected greyhound

Other offences

Failure to provide notification of euthanasia or death

The tracking of greyhounds throughout their lifecycle is an important part of the industry's accountability.

Minimum penalty	\$250 late lodgement fee per month for each notification not lodged
Penalty where failure to provide information after initial direction	Minimum \$2500 fine
Maximum penalty	Two year disqualification plus \$2500 fine

Failure to provide a veterinary certificate of euthanasia where the greyhound has been euthanised

Where a greyhound has been humanely euthanised by a veterinarian, participants must ensure that the veterinary surgeon issues a certificate noting relevant details, including the identity of the greyhound, reason for euthanasia and the date of the euthanasia.

Note: In an emergency situation, the operations manager or identified staff member may carry out humane euthanasia but only under the direction of a veterinary practitioner. A certificate must be provided by the veterinary practitioner as detailed in the Code of Practice.

Minimum penalty	Two year disqualification and \$2000 fine
Maximum penalty	Five year disqualification plus \$2000 fine

Requirement for returning from disqualification

Where a participant has been disqualified for a welfare related breach, re-registration will be at the discretion of GRV. Participants are advised to refer to the registration requirements at www.grv.org.au.

Attachment A – relevant offences and penalties under the *Prevention of Cruelty to Animals Act 1986* and the *Domestic Animals Act 1994*.

Prevention of Cruelty to Animals Act 1986	
Offence	Penalty
Cruelty	<ul style="list-style-type: none"> • Natural person: 246 penalty units or imprisonment for 12 months • Body corporate: 600 penalty units
Aggravated cruelty	<ul style="list-style-type: none"> • Natural person: 492 penalty units or imprisonment for 2 years • Body corporate: 1200 penalty units
Allowing prohibited procedure to be carried out on an animal	<ul style="list-style-type: none"> • Natural person: 120 penalty units or imprisonment for 12 months • Body corporate: 600 penalty units
Serious offences	<ul style="list-style-type: none"> • Disqualification for a specified period (not exceeding 10 years) from being a person in charge of an animal
Domestic Animals Act 1994	
Offence	Penalty
Non-compliance with Code of Practice	<ul style="list-style-type: none"> • Body corporate: 600 penalty units • In any other case: 246 penalty units