

RELEASE: GOTBA Vic comment on GRV's draft Penalty Guidelines – Greyhound Welfare 2018

The Greyhound Owners Trainers and Breeders Association of Victoria Inc (**GOTBA Vic**) does not support GRV's recent amendments to its document entitled Penalty Guidelines – Greyhound Welfare (2018) (**Welfare Penalty Guidelines**).

Indeed, the entire document is problematic. It is an artificial, inexact and potentially very unfair policy document that expresses what minimum penalties GRV will seek for unspecified offences under the rules that it deems to involve animal welfare. There is no discernible way to know when the Welfare Penalty Guidelines might apply – it seems to us that almost any offence under the rules might be considered welfare related if GRV wishes it.

Properly considered, the document is a public relations exercise. The RADB is not bound to impose penalties set out in these (or other GRV) guidelines, though in our view it does place inordinate reliance on such guidelines no matter what it says.

We at GOTBA Vic do understand the context of the changes to the Welfare Penalty Guidelines – at the least an attempt to be seen to implement recommendations of the Perna Report to increase penalties for welfare offences.¹

It is of course important for those who are fairly found to have breached their welfare obligations to be appropriately sanctioned after a fair process has run its course.

But to promote undue or unfair punishment, or apply bad policy, under the guise of 'community expectations', as this document does, is not in the interests of greyhound racing or indeed the racing greyhound itself. 'Community expectations' are often the loud expectations of implacable opponents of our sport rather than those of the general community.

The existence of these Welfare Penalty Guidelines, particularly the:

- vague, poorly worded 'categories' that bear absolutely no relation to offences under the rules themselves, and whose application is fully exposed to the whims of the regulator – see also further below; and
- failure to even contemplate using the full range of potential penalties available, such as suspension or imposition of conditions on a licence to address the applicable conduct (that is, a vast over emphasis on total disqualification),

¹ Recommendation 10(c) – '*...the Welfare Penalty Guidelines are reviewed to ensure that, where appropriate...the penalty for welfare-related issues are at a sufficient level to act as a deterrent.*'

is precisely the type of arbitrary conduct by GRV which puts all participants offside. Disqualification is a **very** blunt instrument under the rules, particularly when GRV can effectively then also pick and choose if and when it permits a person who has served a disqualification to regain a licence.

It is absolutely no excuse to say that 'only the bad' will suffer the consequences of bad policy – at present, based on the experience of our members and other industry participants, we do not have enough confidence in the robustness of the processes by which any participant might be investigated, charged and judged, to be comfortable with the concept of a document like this one, as amended or otherwise.

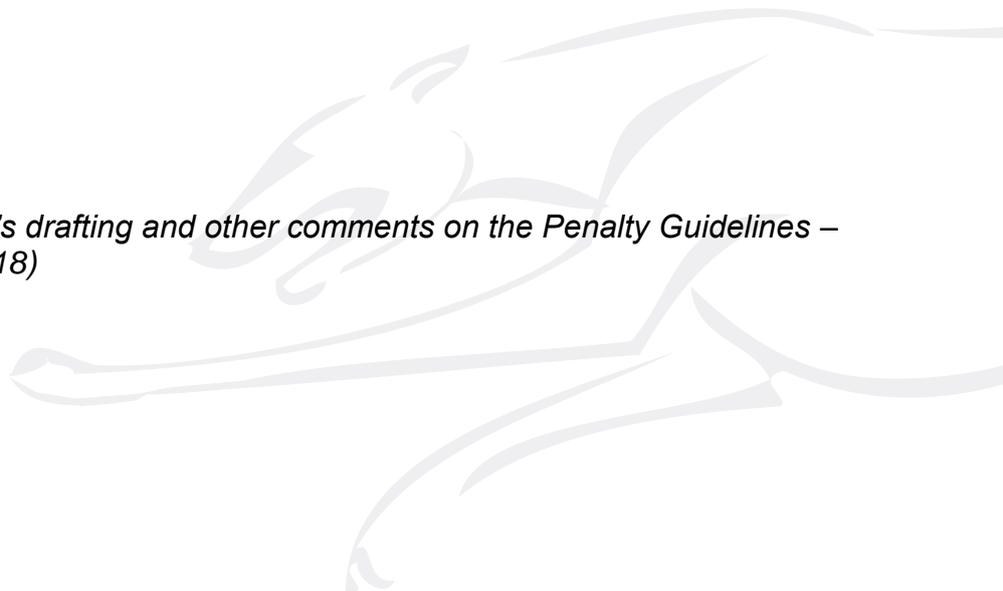
To be very clear, GOTBA Vic:

- does not support the concept of minimum penalties for offences (even where expressed in theoretically non-binding 'Guidelines');
- does not support what amounts to vague re-categorisation of welfare offences under the rules, outside the context of those rules (this occurs in prohibited substance matters also);
- thinks much of what is in the Welfare Penalty Guidelines is imprecise and wrong in any event, particularly some of the examples given of welfare breaches (see Appendix for comments on individual sections); and
- believes a fair disciplinary system is one that considers and implements a **full** range of penalties, even for serious offences. The Welfare Penalty Guidelines do not do this – disqualifications are indiscriminately applied. GRV has either put insufficient thought into those penalties or is taking a truly one-sided and punitive view of its role as regulator in a fashion that, viewed globally, does not promote the interests of the greyhound racing industry.

GOTBA Vic Committee

31 January 2018

- A. *Appendix - GOTBA Vic's drafting and other comments on the Penalty Guidelines – Greyhound Welfare (2018)*



APPENDIX: GOTBA Vic's drafting and other comments on the Penalty Guidelines – Greyhound Welfare (2018)

SECTION	COMMENTS
Title	The document should be called a Welfare Enforcement Policy rather than Guidelines. It should be related to identified offences under the rules of greyhound racing.
Aggravating / mitigating factors (pg 2)	<p>We have little confidence that GRV does in fact take mitigating factors into account in deciding to seek penalties.</p> <p>More importantly, we have little confidence that the RADB properly takes mitigating factors into account in deciding penalties under the rules generally, such as individual circumstances. It rarely asks about them from unrepresented parties. Among other things, for example, it routinely and (wrongly) assumes that a not guilty plea is indicative of lack of remorse deserving further penalty.</p>
Category 1 – pg 3	<p>This will need to cater for any updated Code.</p> <p>Any minimum penalty should be 'per affected greyhound'. Any minimum should not relate to the size of the facility but to the greyhounds directly (and with evidence) impacted by the failure.</p> <p>We see absolutely no reason to impose a \$1500 figure as a minimum.</p>
Category 2 – pg 3	<p>This category should be deleted altogether.</p> <p>"With potential for negative impact on greyhound welfare" or 'that may result in greyhound ill health or suffering' is horribly imprecise and potentially unfair. The only way this could be fixed is if a vet certifies negative potential impact for one or more greyhounds, with precision.</p> <p>With respect, the examples show how truly ridiculous this category may be.</p> <ul style="list-style-type: none"> • Not being able to provide evidence of a current vaccination is NOT a six month disqualification and fine offence. That is a nonsense (and not providing evidence in itself – as opposed to

SECTION	COMMENTS
	<p>the fact of vaccination - has absolutely no effect on the health of the greyhound).</p> <ul style="list-style-type: none"> • ‘Inappropriate exercise’ is a ridiculous ‘example’ and is NOT a six month disqualification and fine offence – even if anybody could say what that inappropriate exercise might be. <p>Any minimum must consider suspension and/or licence conditions in lieu of disqualification.</p>
Category 3 – pg 4	<p>This should include a reference to a vet opinion that the individual greyhound is in fact in ill health, in pain or suffering.</p> <p>Any minimum must consider a suspension term and/or licence conditions in lieu of disqualification.</p>
Category 4 – pg 4	<p>This is another example of a category that should be addressed as a rule of racing, not a vague policy.</p> <p>This is a category that simply does not lend itself to artificial minimums OR maximums. The possible range of seriousness of such conduct is such that such attempts are impossible.</p> <p>Again, the statement of included conduct is not helpful. Some conduct is evidently more serious than others yet the same minimum applies. ‘Failure to provide preventative health care that could result in a greyhound being a health risk to other greyhounds (for example, infectious disease)’ could involve a failure to provide, say, timely flea treatment, which in itself could be caused by conduct as serious as complete dereliction of duty to as innocent as miscommunication between family</p> <p>We note in the examples that it is not appropriate to have a category of ‘performing a procedure that would ordinarily be expected to be performed by a veterinary surgeon (for example, tail amputation, suturing a wound)’. There is no such ‘ordinary expectation’ – some participants may be sufficiently qualified (eg vet nurses) or experienced to carry out certain minor procedures such as stitching a wound.</p>
Category 5 – pg 6	This is another example of a category that should be

SECTION	COMMENTS
	<p>addressed as a rule of racing, not a vague policy.</p> <p>We would expect that matters in this category are addressed outside the rules also. A (lengthy) disqualification should be the sole consequence.</p>
Other offences – pg 6 & 7	<p><i>Failure to provide euthanasia notification</i></p> <p>An initial minimum should be a flat, single fee rather than one that accrues per month.</p> <p>A penalty post further direction should not be \$2500 but significantly lower.</p> <p>Penalties in a category such as this should be graduated – fine, conditions, suspension, disqualification only as a last resort.</p> <p><i>Failure to provide vet certificate</i></p> <p>This needs adaptation for the new code.</p> <p>Again, a minimum penalty of disqualification is ridiculous. Such an offence MUST in all fairness go through a graduated penalty process.</p> <p>The failure may arise from a huge array of conduct, including from something as simple as genuine distress at the loss of an animal.</p>

