

GREYHOUND WELFARE & INTEGRITY COMMISSION
DISCIPLINARY ACTION DECISION

- Date of decision:** 5 December 2022
- Decision-makers:** Director Race Day Operations & Integrity, Wade Birch, Chief Inspector, David OShannessy
- Name of relevant person:** Ms Amanda Azzopardi
- Track:** N/A
- Date:** May and July 2022
- Rule no.:** Rule 21(1)(c), Rule 21(2), Local Rule 55(1)(b), Local Rule 55(1)(c), Rule 156(f), Rule 151(1), Standard 3.16, Standard 4.15, Rule 156(h), Rule 156 (i) x 2.
- Charges:**
- (1) Ms Azzopardi failed to maintain clean and sanitary kennels;
 - (2) Ms Azzopardi failed to exercise proper care and supervision necessary to prevent the undue pain and suffering of a greyhound;
 - (3) Ms Azzopardi undertook breeding activities whilst not registered as a breeder by the Controlling Body;
 - (4) Ms Azzopardi undertook breeding activities whilst not registered as a breeder by the Controlling Body;
 - (5) Ms Azzopardi did a thing which constitutes negligence by allowing two greyhounds not registered for breeding to mate with one another;
 - (6) Ms Azzopardi failed to keep and maintain appropriate written treatment records;
 - (7) Not proven;
 - (8) Not proven;
 - (9) Ms Azzopardi failed to comply with a lawful order issued by a member of the Controlling Body;
 - (10) Not proven; and
 - (11) Not proven.
- Disciplinary action taken:** **Charge 1:** To suspend Ms Azzopardi for 4 months;
Charge 2: To disqualify Ms Azzopardi for 12 months;

Charge 3: To suspend Ms Azzopardi for -3 months;

Charge 4: To suspend Ms Azzopardi for 6 weeks;

Charge 5: To suspend Ms Azzopardi for 4 months;

Charge 6: To issue a fine in the total sum of \$200.00;

Charge 9: To suspend Ms Azzopardi for 6 months,

with the penalties imposed for Charges 1-5 and 9 to be served concurrently;

with the net effect being a 12-month period of disqualification from the industry;

with the time served by Ms Azzopardi under interim suspension to be taken into account, from 22 July 2022; and

with the period of disqualification to expire at midnight on 21 July 2023.

DECISION:

1. Ms Azzopardi was, at all relevant times, a registered Owner Trainer with the Commission.
2. On 22 July 2022 the Commission imposed an interim suspension on Ms Azzopardi pending the finalisation of an investigation into alleged non-compliance and breaches of animal welfare standards.
3. On 30 September 2022 Ms Azzopardi was issued with a Notice of Charge and Proposed Disciplinary Action ("**Notice**") in relation to the charges, with an attached brief of evidence. In the Notice, the decision makers charged Ms Azzopardi with various breaches of the Greyhound Racing Rules and the NSW Greyhound Welfare Code of Practice, which read;

Rule 21(1)(c)

(1) A person must ensure that any greyhound in the person's care or custody, is at all times provided with:

...

(c) kennels constructed and of a standard approved by a Controlling Body which are adequate in size and which are kept in a clean and sanitary condition;

Rule 21(2)

A person must exercise the care and supervision necessary to prevent a greyhound under the person's care or custody from being subjected to unnecessary pain or suffering, or from anything which is likely to lead to unnecessary pain or suffering.

Local Rule 55

(1) A person must be registered as a breeder by the Controlling Body to undertake any of the following activities:

...

- (b) care for a dam whelping a litter of pups;
- (c) care for an unnamed greyhound including times the greyhound is being whelped and reared.

Rule 156 (f), (g)(iv), (h), (i)

An offence is committed if a person (including an official):

(f) has, in relation to a greyhound or greyhound racing, done something, or omitted to do something, which, in the opinion of a Controlling Body or the Stewards:

...

(g) wilfully assaults, obstructs, impedes, abuses, interferes with, threatens or insults:

...

(iv) a Steward or any other official of a Controlling Body or a Club;

in or at any place, including at or in the vicinity of the place where an inquiry, other disciplinary process, hearing or appeal proceeding is to take place, is taking place or has taken place.

(h) disobeys or fails to comply with a lawful order of a Controlling Body, the Stewards, or another person authorised by a Controlling Body with official duties in relation to greyhound racing;

(i) prevents, attempts to prevent, interferes with or attempts to interfere with the carrying out of any identification, examination, test, necropsy, analysis, inquiry, investigation or inspection (including a kennel inspection) pursuant to the Rules.

Rule 151(1)

(1) The person in charge of a greyhound must keep and retain written records detailing all vaccinations, antiparasitics and treatments administered to the greyhound:

- (a) from the time the greyhound enters their care until the greyhound leaves their care; and
- (b) for a minimum of two years.

Standard 3.16, Code of Practice

Participants must monitor the dental health of **all** greyhounds in their care, and seek veterinary treatment if required.

Standard 4.15, Code of Practice

A whelping box or other suitable whelping area must be available to a whelping greyhound at least seven days before her estimated whelping date. The whelping box or other suitable whelping area must be clean, safe, quiet, and separated from other greyhounds.

4. The particulars for the charges were as follows;

Charge 1 – Rule 21(1)(c)

On 12 May 2022 and 27 May 2022, Ms Azzopardi's kennels were not kept in a clean and sanitary condition due to poor hygiene (buildup of faecal matter), odour and kennel floor drainage issues.

Charge 2 – Rule 21(2)

On 23 May 2022, a pup under Ms Azzopardi's care was killed when squashed by the dam "Two of Spades" when not provided with a whelping box with crush bars as directed. As a result, the pup was subjected to unnecessary pain and suffering.

Charge 3 – Local Rule 55(1)(b)

On 12 May 2022 and for a period after, Ms Azzopardi cared for a dam whelping a litter of pups while not registered as a breeder by the Controlling Body.

Charge 4 – Local Rule 55(1)(c)

On 12 May 2022 and for a period after, Ms Azzopardi cared for a litter of unnamed greyhounds including times the greyhounds were being whelped and reared while not registered as a breeder with the Controlling Body.

Charge 5 – Rule 156(f)

Ms Azzopardi was negligent in that she allowed for the male greyhound believed to be 'Furious Ballows' to mate with female greyhound 'Two of Spades' when neither greyhound was registered with the Controlling Body as breeding greyhounds.

Charge 6 – Rule 151(1)

On 12 May 2022 as the person in charge of greyhounds it was identified that no written records were kept or retained detailing treatments administered to greyhounds in Ms Azzopardi's care.

Charge 7 – Standard 3.16, Code of Practice

On 12 May 2022 and 27 May 2022 during kennel inspections, dental examinations of the greyhounds 'Miss Ballows', 'Sweet Runner' and 'Where's Ballo' owned by Mr Mark Ballantine were found with dental issues resulting in the service of a POCTAA 24N Notice for veterinary examination and treatment, therefore showing a lack of monitoring of the greyhounds' dental health while in Ms Azzopardi's kennels and in her care.

NOTE: This charge was found not proven and subsequently withdrawn.

Charge 8 – Standard 4.15, Code of Practice

Between 5 May 2022 and 5 July 2022 Ms Azzopardi failed to provide a whelping box or other suitable whelping area for the dam 'Two of Spades' and her pups.

NOTE: This charge was found not proven and subsequently withdrawn.

Charge 9 – Rule 156(h)

On 27 May 2022 Ms Azzopardi failed to comply with a lawful order issued by a GWIC Inspector to provide a whelping box for the dam 'Two of Spades' and her pups.

Charge 10 – Rule 156(i)

On 24 May 2022 Ms Azzopardi did prevent an inquiry, investigation and inspection of her kennels by a GWIC Inspector, by stating that she was unavailable due to her attendance at a race meeting and by avoiding several attempts from GWIC Inspectors to contact her for the purpose of conducting a kennel inspection.

NOTE: This charge was found not proven and subsequently withdrawn.

Charge 11 – Rule 156(i)

On 15 July 2022 Ms Azzopardi did prevent an investigation by GWIC Inspectors in relation to written work directions issued regarding her kennels and the POCTAA 24N instruction issued to provide vet treatment to greyhounds under her care by yelling at and refusing to engage with GWIC Inspectors.

NOTE: This charge was found not proven and subsequently withdrawn.

5. On 20 September 2022 Ms Azzopardi attended a hearing, entered a not guilty plea to charges 1-3 and 7-11 and a plea of guilty to charges 4, 5 & 6, and made verbal submissions in respect to whether the charges should be found proven.
6. Ms Azzopardi was issued a Second Notice on 31 October 2022. The Second Notice found charges 2-5 proven, 1 and 6 proven with amended particulars, and withdrew charges 7, 8, 10 and 11. The Second Notice gave Ms Azzopardi an opportunity to respond in respect to proposed disciplinary action.
7. The Commission considered all available material and determined to withdraw charges 7, 8, 10 and 11 against Ms Azzopardi. The decision makers determined to take the following disciplinary action against Ms Azzopardi:

Charge 1 (Rule 21(1)(c)): To suspend Ms Azzopardi for a period of 4 months;

Charge 2 (Rule 21(2)): To disqualify Ms Azzopardi for a period of 12 months;

Charge 3 (Local Rule 55(1)(b)): To suspend Ms Azzopardi for a period of 3 months;

Charge 4 (Local Rule 55(1)(c)): To suspend Ms Azzopardi for a period of 6 weeks;

Charge 5 (Rule 156(f)): To suspend Ms Azzopardi for a period of 4 months;

Charge 6 (Rule 151(1)): To issue a fine in the total sum of \$200.00;

Charge 9 (Rule 156(h)): To suspend Ms Azzopardi for a period of 6 months.

with the penalties imposed for Charges 1-5 and 9 to be served concurrently;

with the net effect being a 12-month period of disqualification from the industry;

with the time served by Ms Azzopardi under interim suspension to be taken into account, from 22 July 2022; and

with the period of disqualification to be complete on 21 July 2023.

8. In taking this disciplinary action, the decision makers considered all available evidence and submissions, including:
 - Greyhound racing penalty precedents in NSW and the Commission's Penalty Guidelines;

- The length of time Ms Azzopardi has been registered with the Commission, being since 2020, a relatively short period of approximately 2 years;
- Ms Azzopardi's pleas and submissions in relation to the charges; and
- The objective seriousness of the conduct as a greyhound industry participant.

.....End.....