

GREYHOUND WELFARE & INTEGRITY COMMISSION
DISCIPLINARY ACTION DECISION

Date of decision:	28 January 2022
Decision-makers:	Director Compliance, Policy & Legal, Matthew Tutt and A/Deputy Chief Inspector, Shaye Barrow
Name of relevant person:	Mr Robert Hoare
Track:	Gunnedah
Date:	12 January 2021 – 15 January 2021
Rule no.:	Rule 106(1)(d), Rule 106(2)
Charge(s):	(1) Between 12 January 2021 – 15 January 2021, Mr Hoare failed to provide veterinary treatment to a greyhound; (2) Between 12 January 2021 – 15 January 2021, Mr Hoare failed to seek medical treatment for an injury sustained by a greyhound, which subjected the greyhound to unnecessary pain or suffering.
Disciplinary action taken:	Charge 1: 10-month disqualification Charge 2: 10-month disqualification

On 21 October 2021 Mr Hoare was issued with a notice of proposed disciplinary action (“**Notice**”) setting out the proposed disciplinary action to be taken and the grounds in support of that proposed disciplinary action. The Notice issued two charges under Rule 106(1)(d) and 106(2) of the GWIC Greyhound Racing Rules (“**Rules**”).

Mr Hoare elected to have the matter dealt with via a hearing. At the hearings on 12 November 2021 and 20 January 2022 Mr Hoare entered a plea of not guilty to both charges, provided evidence as to the circumstances of the offending, and was represented.

Evidence was taken from Mr Hoare, participant Ms Russell, participant Mr Ranald Dawes, as well as evidence from three veterinarians.

SUMMARY

1. Mr Hoare is a registered greyhound trainer and the trainer of the greyhound ‘Robby’s Boy’ (“**Greyhound**”).
2. On the afternoon of 12 January 2021 Mr Hoare attended the Gunnedah Greyhound Racing Club (“**Gunnedah Club**”) with several greyhounds to trial. Among the greyhounds trialled by you was the Greyhound.

3. Prior to trialling the Greyhound, Mr Hoare made arrangements with the lure driver to allow a 'run on' for the Greyhound, which would allow the Greyhound to catch up with the lure.
4. Mr Hoare hand-slipped the Greyhound. Towards the end of the trial run, the Greyhound caught up to the lure and collided with the lure arm. The Greyhound sustained an injury to its leg as a result of this collision. There was no veterinarian present at the Gunnedah Club at the time of trialling.
5. Mr Hoare submitted that approximately 30 minutes after the Greyhound sustaining the injury at the Gunnedah Club, he took the Greyhound to a veterinary clinic in Gunnedah. Mr Hoare submitted that this clinic required payment upfront prior to accepting the Greyhound for treatment, which he was unable to provide.
6. Mr Hoare then attempted to take the Greyhound to a different veterinary clinic in Gunnedah which was unstaffed, and the veterinarian was unable to be contacted.
7. Mr Hoare gave evidence that he telephoned Quirindi Vet Clinic ("**QVC**") and spoke to a veterinarian there. Mr Hoare arranged to bring the Greyhound directly to that veterinary clinic and advised that he would be there within 30 minutes. Mr Hoare gave evidence that the veterinarian he spoke to advised him that he was willing to treat the Greyhound, but that he did not have specific experience treating racing greyhound injuries.
8. Approximately 15 minutes after the call to QVC to arrange an appointment, Mr Hoare again telephoned the clinic and cancelled the appointment, advising staff there that he would be taking the Greyhound to be assessed at the Belmont Vet Clinic. Mr Hoare did not take the Greyhound to be assessed at the Belmont Vet Clinic that day.
9. Mr Hoare returned to his registered kennel address ("**the Property**") with the Greyhound, treating the Greyhound with previcox, an anti-inflammatory that he considered to be appropriate in the circumstances. Mr Hoare's partner, Ms Russell, gave evidence that they intended to return to the Property to care for their other Greyhounds and intended to take the Greyhound to a veterinarian the next day.
10. Ms Russell gave evidence that upon returning to the Property, they "*...had a good look at him and there was a bit of swelling starting to come...so I put a wrapping around it, and we fed him and gave him a painkiller and he seemed quite comfortable...he was hopping around. He couldn't put the leg on the ground but he was hopping around.*"
11. Ms Russell gave evidence that the next morning, 13 January 2021 she and Mr Hoare contacted a vet surgery in Branxton but the vet surgery did not have any available appointments.
12. Ms Russell gave evidence that also on 13 January Mr Hoare contacted a vet clinic in Singleton. Ms Russell stated that Mr Hoare spoke to the secretary at the clinic in Singleton and said "*I think the dog has broken its leg. Isn't there something you can do to get me in?*" The secretary advised that they were unable to provide an appointment until 28 January 2021.
13. Ms Russell gave evidence that after this Mr Hoare had the above phone call, she stated "*Why don't you ring GWIC and find out what we can do?*".

14. On 15 January 2021 Mr Hoare telephoned GWIC and advised that he had concerns about the injuries sustained by the Greyhound and stated that he was having difficulty getting a veterinarian appointment in his local area.
15. A GWIC veterinarian spoke to Mr Hoare and arrangements were made to take the Greyhound to QVC.
16. Mr Hoare attended QVC the same day. The Greyhound was assessed, treated and hospitalised by veterinarian Dr Georgia Roach.
17. Mr Hoare gave evidence that he provided the Greyhound with previcox, a non-steroidal anti-inflammatory, a dosage of one tablet each morning and night up until the Greyhound attended QVC on 15 January 2021.
18. Dr Roach provided the x-rays and information about the injury sustained by the Greyhound to orthopaedic specialist Dr Andrew Speer. Dr Speer confirmed Dr Roach's diagnosis, that the Greyhound had sustained a radius and ulna fracture which would result in the end of the Greyhound's racing career.
19. The veterinary records show that Dr Speer advised that there were limited surgical options available to treat the Greyhound, however the most effective treatment would be a pancarpal arthrodesis which involved fusing the radiocarpal joint, intercarpal joints and the carpometacarpal joints. The estimated cost of this surgery was between \$4,500 and \$5,500.
20. On 19 January 2021 Dr Roach discussed the Greyhound's condition with a GWIC veterinarian. On 20 January 2021 Mr Hoare, following a discussion with Dr Roach, gave instructions for the Greyhound to be euthanased.

VETERINARY EVIDENCE

21. Dr Webber provided evidence at the hearing on 12 November 2021 in relation to his involvement in the matter. Dr Webber gave evidence that, in his professional opinion, the administration of previcox was not an appropriate pain reliever for the injury of the type that the Greyhound sustained and that if Dr Webber was going to utilise it in his role as a veterinarian, it would only be in combination with further analgesias.
22. Mr Hoare called Dr Yore to provide evidence. Dr Yore provided evidence, confirming that he did not treat the Greyhound but did view a copy of the X-Rays and gave advice to Mr Hoare as to the severity of the injury.
23. Dr Yore's also gave evidence in relation to Mr Hoare's use of previcox. Dr Yore gave evidence that previcox is "*...by far the best anti-inflammatory you can use.*" Dr Yore also stated that "*...as soon as [a greyhound trainer] realised an injury was getting worse rather than better, and you were already on anti-inflammatories, that it would be reasonable to take it to the vet then and actually get an actual diagnosis on it.*"
24. Dr Yore gave evidence that he would expect a greyhound with the injuries such as those sustained by the Greyhound to be presented to a veterinarian within 24 hours of the injury, but as soon as practicable.
25. Dr Roach, the veterinarian who treated the Greyhound, also provided evidence as to her treatment of the Greyhound at QVC in January 2021.

26. Dr Roach gave evidence that the provision of previcox by Mr Hoare to the Greyhound would have provided some level of pain relief, but that, in her opinion, previcox alone would not have been sufficient pain relief without appropriate stabilisation of the limb.
27. Dr Roach gave evidence that, whilst timeframes may vary from case to case, it was her opinion that a greyhound should receive veterinary attention within four to six hours of sustaining the injury. Dr Roach gave evidence that the sooner these injuries can be diagnosed and treated, the better the long-term outcome for the animal.

DECISION

28. Mr Hoare was charged with two offences under Rule 106(1)(d) and Rule 106(2), which read:
 - (1) A registered person must ensure that greyhounds, which are in the person's care or custody, are provided at all times with-
....
(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.
29. The decision makers considered the evidence between Dr Yore and Dr Webber in relation to Mr Hoare's provision of previcox. It was also noted that Dr Roach was the only veterinary surgeon to physically examine and treat the Greyhound. Dr Roach's evidence was that the provision of previcox alone was not sufficient.
30. The evidence was that Dr Yore had not seen or treated the Greyhound prior to its attendance upon QVC, as Dr Yore was provided with the X-Rays by Dr Roach, who first x-rayed the Greyhound at QVC on 15 January 2021.
31. Mr Hoare is a greyhound trainer and not a veterinarian, and is not in a position to clinically diagnose an injury. However, the decision makers relied on the evidence of Dr Roach, who stated that when a greyhound injures itself, and it is not weight-bearing and the swelling rises quickly, then that is an indication of a fairly serious injury.
32. A trainer in Mr Hoare's position ought to have known that the injury sustained by the Greyhound was serious and that Mr Hoare did appreciate the seriousness of the injury as he took steps to attend on more than one veterinary clinic on the day of the injury. Further, Mr Hoare was aware of the seriousness of the injury as he had taken steps to consult with veterinarians and provided what he considered to be pain relief, being previcox.
33. Mr Hoare did not take the further step required of a trainer in his position, being to actually receive veterinary treatment.
34. On an objective assessment of a trainer acting reasonably, being in circumstances where the leg of a greyhound was injured after making contact with a lure, where the evidence known to the trainer is that the greyhound isn't weight bearing, with the leg swollen, these were, in the view of the decision makers, indicia of a greyhound having

an injury that required veterinary attention, with that treatment needing to reasonably be provided within a period of 24 hours.

35. Dr Roach gave evidence that such an injury should require veterinary attention within four to six hours, with Dr Webber and Dr Yore providing evidence that a period of 24 hours would be an appropriate time.
36. Ultimately, the decision makers preferred the evidence of the treating veterinarian, Dr Roach, who gave evidence after clinically assessing the greyhound herself that previcox alone would not have been sufficient in relieving the pain suffered by the Greyhound and who, upon assessment of the Greyhound, administered opioids and acepromazine after determining that the Greyhound was exhibiting pain.
37. In relation to Charge One, the decision makers found that Mr Hoare did not seek veterinary attention when required, in that it wasn't until three days after the Greyhound sustained the injury that Mr Hoare attended and received veterinary attention. The consistent evidence was that the Greyhound, with injuries such as these, should have presented for veterinary attention within 24 hours.
38. In relation to Charge Two, the decision makers preferred the evidence of Dr Roach, the veterinarian who clinically assessed the Greyhound. Dr Roach observed the Greyhound's inability to bear weight on its leg and that, in her clinical assessment, the Greyhound was exhibiting signs of being in pain, requiring her to administer heavier pain relief. As Dr Roach was the veterinarian who assessed the Greyhound, she was best placed to provide evidence as to the actual condition of the Greyhound, rather than the two other veterinarians who had not assessed the Greyhound's injury.
39. Accordingly, the decision makers found the charges proven and took the following disciplinary action against Mr Hoare:

Charge 1 (Rule 106(1)(d)): 10-month disqualification; and

Charge 2 (Rule 106(2)): 10-month disqualification,

with the penalties to be served concurrently.

40. In relation to penalty, factors in mitigation were taken into account, including the following:
 - Mr Hoare has held a trainer registration for a period of approximately 30 years;
 - Mr Hoare does not have any disciplinary matters of a similar nature; and
 - Mr Hoare took some steps to seek veterinary treatment, but for the reasons above, did not further pursue the provision of veterinary attention until three days after the injury was sustained.
41. The decision makers also had regard for previous disciplinary matters heard by the Commission and the Racing Appeals Tribunal for breaches of the same Rules, including *Cartwright*, where the Racing Appeals Tribunal found a starting point of a 12-month disqualification for a charge under Rule 106(1)(d) was appropriate.

.....End.....