GREYHOUND WELFARE & INTEGRITY COMMISSION

DISCIPLINARY ACTION DECISION

Date of decision:	18 August 2022
Decision-makers:	Deputy Chief Steward Troy Vassallo and Senior Steward Dean Degan
Name of relevant person:	Mr Alexander Verhagen
Track:	N/A
Date:	25 October 2019, 8 December 2020, 27 May 2021, 9 November 2021, 10 November 2021, 18 November 2021, 29 November 2021
Rule no.:	Rule 84(2), Rule 84A(1), Rule 106(1)(c), Rule 106(1)(d), Rule 86(x), Rule 86(o), Rule 86(ac)
Regulation:	Clause 10 of the *Greyhound Racing Regulation 2019* (NSW)
Code of Practice:	Standard 4.15, Standard 5.3
Charges:	**Charges 1 – 4 (Rule 86(o)**) Mr Verhagen engaged in misconduct on 4 December 2020 by scratching the greyhounds 'Swan's Magic', 'Jessie Mulwee', 'Brindalee', and 'Where's Kinloch' from an Event for injuries that they did not have; **Charge 5 (Rule 84(2))** Mr Verhagen had in his possession at his registered kennels a prohibited substance on 8 December 2020; **Charge 6 (Rule 84A(1))** Mr Verhagen, on 8 December 2020, did not produce treatment records for the greyhounds' 'Swans Magic', 'Jessie Mulwee', 'Brindalee' and 'Where's Kinloch' when requested to do so by a GWIC Inspector; **Charge 7 (Rule 86(o))** Mr Verhagen engaged in misconduct by conducting training activities on or around 23 July 2020 whilst subject to a period of suspension;

Charge 8 (Clause 10, Regulation)

Mr Verhagen failed to notify GWIC of details relating to the change of location of 37 greyhounds;

Charge 9 (Rule 106(1)(c))

Mr Verhagen, on 8 December 2020, failed to provide kennels constructed and of a standard approved by the Controlling Body and kept in a clean and sanitary condition at his registered address;

Charge 10 (Rule 86(o))

Mr Verhagen, between 5 January 2021 and 12 January 2021, was negligent by failing to make any improvements to his whelping box or area in order to prevent a greyhound from rolling onto her litter;

Charge 11 (Standard 4.15, Code of Practice)

Mr Verhagen, between 5 January 2021 and 12 January 2021, failed to provide a whelping box or other suitable whelping area that was safe;

Charge 12 (Standard 5.3, Code of Practice)

Mr Verhagen, between 7 December 2020 and 7 March 2021, failed to provide a greyhound enclosure that was designed, constructed and maintained in a way that was safe and provided for the wellbeing of greyhounds;

Charge 13 (Rule 106(1)(d))

Mr Verhagen, between 25 May 2021 and 27 May 2021, failed to provide veterinary attention to two greyhound pups in his care and custody;

Charge 14 (Rule 86(x))

Mr Verhagen made a false statement to a GWIC Inspector in the execution of their duty;

Charge 15 (Rule 106(2))

Mr Verhagen failed to exercise the reasonable care and supervision necessary to prevent a greyhound in his care from being subject to unnecessary pain or suffering;

Charge 16 (Rule 106(1)(d))

Mr Verhagen failed to provide veterinary attention to a greyhound in his care and custody;

Charge 17 (Rule 106(1)(d))

Mr Verhagen failed to provide veterinary attention to a litter of greyhounds in his care and custody;

Charge 18 (Rule 86(o))

Mr Verhagen was negligent by failing to make any improvements to his whelping box or area in order to prevent a greyhound from rolling onto her litter;

Charge 19 (Standard 4.15, Code of Practice)

Mr Verhagen failed to provide a whelping box or other suitable whelping area that was safe;

Charge 20 (Rule 84A(1))

Mr Verhagen, on 29 November 2021, was found not to keep or retain treatment records for the greyhounds 'Little Prospect' or 'Lana Caprina';

Charge 21 (Rule 106(1)(c))

Mr Verhagen, on 29 November 2021, failed to provide kennels constructed and of a standard approved by the Controlling Body and kept in a clean and sanitary condition at his registered address;

Charge 22 (Clause 10, Regulation)

Mr Verhagen failed to notify GWIC within the required period of the deaths of 5 greyhounds and the movement of 1 greyhound;

Charges 23 – 25 (Rule 86(ac))

Mr Verhagen was neglectful in connection with the registration of three greyhounds from the Smiley Mulwee x Fernando Bale litter;

Charge 26 (Rule 86(x))

Mr Verhagen made a false statement on the whelping notice for the Smiley Mulwee x Fernando Bale litter; and

Charge 27 (Rule 86(x))

Mr Verhagen made a false statement on the application for registration of a litter for the Smiley Mulwee x Fernando Bale litter.

Disciplinary action taken:	**Charges 1 - 4:**	Not proven, withdrawn
	Charge 5:	$150 fine
	Charge 6:	$1,000 fine

Charge 7:	Not proven, withdrawn
Charge 8:	$750 fine
Charge 9:	6-week suspension
Charges 10 - 12:	Not proven, withdrawn
Charge 13:	10-month disqualification
Charge 14:	3-month disqualification
Charge 15 - 16:	Not proven, withdrawn
Charge 17:	12-month disqualification
Charge 18:	6-month suspension
Charge 19:	Withdrawn
Charge 20:	$225 fine
Charge 21:	4-month suspension
Charge 22:	$750 fine
Charges 23 – 25:	18-month disqualification
Charge 26:	Not proven, withdrawn
Charge 27:	2-month disqualification

- with the penalties for Charges 9, 13-14, 17-18 & 21 to be served concurrently, with the net effect being a 12-month disqualification;
- with the penalties for Charges 23-25 & 27 to be served concurrently, with the net effect being an 18-month disqualification;
- with the above 12-month disqualification period to be served cumulatively with the 18-month disqualification period;
- with the net penalty to be served by Mr Verhagen to be a 30-month disqualification;
- with the total fines issued against Mr Verhagen to be $2,875.

DECISION:

1. Mr Verhagen is a registered Public Trainer and Breeder with the Commission.
2. On 23 June 2020 Mr Verhagen's registrations were suspended after he withdrew an appeal to the Racing Appeals Tribunal relating to a 12-week suspension imposed on him for a breach of Rule 83(2)(a) of the GWIC Greyhound Racing Rules ("**Rules**").

23 July 2020 inspection

3. On 23 July 2020 GWIC Inspectors conducted a kennel inspection at Mr Verhagen's registered kennel premises at Swan Bay ("**the Property**"). Mr Verhagen was present and participated in an interview with GWIC Inspectors. During the course of the kennel

inspection, GWIC Inspectors scanned and identified the greyhounds present at the Property.

4. The Property was deemed to be non-compliant with the Code of Practice ("**Code**"), with a number of issues identified, including

    - A lack of dedicated sleeping areas for all greyhounds;
    - A lack of clean, hygienic and dry bedding for all greyhounds;
    - A build-up of faecal matter in the outside exercise yards and pens;
    - Deceased farm animals left on a rubbish pile for later disposal;
    - A lack of clean water contained in the yards; and
    - A build-up of spoiled food in the yards.

5. Mr Verhagen was issued with verbal work directions at the time of the inspection. Mr Verhagen was also issued written work directions on 12 August 2020.

6. The Commission issued Charge 7 as a result of this inspection.

8 December 2020 inspection

7. On 8 December 2020 a GWIC Inspector and veterinarian attended the Property to conduct a kennel inspection and examine the greyhounds 'Jessie Mulwee', 'Swan's Magic', 'Where's Kinloch' and 'Brindalee' ("**Greyhounds**"). Only 'Jessie Mulwee' was located at the Property on that date.

8. Mr Verhagen had nominated the Greyhounds on 1 December 2020 to compete at Muswellbrook on 6 December 2020. On 4 December 2020 the Greyhounds were scratched for various reasons.

9. Inspector Turner asked Mr Verhagen to produce the medical treatment records for the Greyhounds. Mr Verhagen produced a blue diary but when directed to provide it to Inspector Turner to review, refused to do so.

10. During the kennel inspection, Inspector Turner discovered and seized a prohibited substance, being Ilum Propercillin Antibiotic Injection, located in the fridge of the meal preparation area.

11. The Property was again deemed to be non-compliant with the Code and a number of issues were identified, including:

    - Food was placed directly on the ground without any food bowls;
    - A lack of clean water containers;
    - A lack of clean, hygienic and dry bedding for all greyhounds;
    - A build-up of faecal matter in the outside exercise yards and pens; and
    - Deceased farm animals left on a rubbish pile for later disposal.

12. The Commission issued Charges 1 – 6 & 8 – 9 as a result of this inspection.

'Ruby Rabs' litter

13. On 22 January 2021 Mr Verhagen submitted two Notification of Death Forms for two pups, a fawn male and a black female, ("**the pups**") found deceased in a whelping box. The pups were from the 'Hooked on Scotch' x 'Ruby Rabs' litter.

14. Mr Verhagen stated on the first form that the fawn male pup was found deceased in the whelping box on 5 January 2021, and that it appeared to have been squashed by 'Ruby Rabs'. Mr Verhagen stated on the second that the black female pup was found deceased in the whelping box on 12 January 2021, and that it appeared to have been squashed by Ruby Rabs.

15. On 9 November 2021 Inspectors Barrow and Turner interviewed Mr Verhagen in relation to the death of the two pups. Mr Verhagen advised that the whelping box was made out of timber and that it did not have roll bars inside.

16. The Commission issued Charges 10 & 11 against Mr Verhagen in relation to this investigation.

Black female greyhound found deceased, wedged in gate

17. On 27 March 2021 Mr Verhagen submitted a Notification of Retirement Form to the Commission for a black female greyhound ("**the greyhound**") found deceased due to having her head stuck in a gap between a gate and a fence post.

18. On 13 April 2021 the GWIC Registrations team contacted Mr Verhagen to advise that the wrong form had been submitted, and that he was required to send in a Notification of Death form. On 23 April 2021 Mr Verhagen submitted a Notification of Death Form to the Commission, which stated that the greyhound was found on 7 March 2021 with its head stuck in a gate, having appeared to have hung itself.

19. On 9 November 2021, Inspectors Barrow and Turner interviewed Mr Verhagen in relation to the greyhound.

20. Mr Verhagen showed Inspectors Barrow and Turner the yard, which contained an inside/outside enclosure, allowing the dogs access to an outside run. The gate where the greyhound was found was attached to the outside run. Mr Verhagen indicated that the greyhound was found with its head wedged between the steel fence post, where the fence post meets the gate.

21. The Commission issued Charge 12 against Mr Verhagen in relation to this investigation.

'Princess Zesta' litter

22. On 27 May 2021 Mr Verhagen submitted a Notification of Death Form relating to a recently whelped litter to the greyhound 'Princess Zesta'. On the form, Mr Verhagen stated that he had collected 'Princess Zesta' on 25 May 2021 from the Williams River Veterinary Clinic following a caesarean-section and that upon arrival at the property, she was placed in a whelping area while still under the effects of the operation.

23. Mr Verhagen further stated that 'Princess Zesta' was muzzled and kept under constant supervision and at 5pm she was emptied out and returned to the pups, still muzzled. Mr Verhagen then reported that 'Princess Zesta' was left alone for approximately one hour and upon returning, she had killed all 10 pups. The date of death recorded on the form for all 10 pups was 25 May 2021.

24. On 9 November 2021 Inspector Barrow and Inspector Turner interviewed Mr Verhagen in relation to the death of the 'Princess Zesta' litter. When asked about the circumstances relating to the death of the 'Princess Zesta' litter, Mr Verhagen advised that "*…we stayed with her for two or three hours… She looked like she was settling down good, accepting the pups…it was late in the afternoon, my wife had been with her, then we went down the back… when we come back she had chewed them and bitten them…*"

25. When asked by Inspector Barrow if all the pups were deceased when he returned, Mr Verhagen stated that "*…there was a couple* [of pups] *lived for a couple of days but they all died.*" When questioned by Inspector Barrow as to what happened to the pups that were still alive following the attack, Mr Verhagen advised that he took the pups to the vets either the same day or the next day, but that "…*the vet said they'll be lucky to make it, and they didn't*."

26. Inspector Barrow asked Mr Verhagen why he waited until the next day to take the pups to the vet. Mr Verhagen replied "*I don't even know whether – I can't recall whether it was the next day or that day*."

27. When asked by Inspector Barrow whether he thought the injured pups who survived the initial attack would have been in pain, Mr Verhagen replied "*Obviously they would be*."

28. On 11 November 2021 Inspector Barrow contacted Williams River Veterinary Clinic to clarify the statement made by Mr Verhagen that the injured pups of 'Princess Zesta' had been brought into the clinic.

29. The clinic advised that 'Princess Zesta' had attended the clinic for a caesarean section on 25 May 2021 and was discharged the same day. The clinic advised that there was no record of 'Princess Zesta' or her pups being brought back into the clinic. The clinic also confirmed that their practice under the same name in Swan Street, Morpeth, had no records for the presentation of 'Princess Zesta' or any of her pups in the circumstances described by Mr Verhagen.

30. The Commission issued Charges 13 & 14 against Mr Verhagen in relation to this investigation.

Brindle dog found deceased in yard

31. On 25 July 2021 Mr Verhagen submitted a Notification of Death form relating to the death of a brindle dog on 14 July 2021. On the form, Mr Verhagen stated that he returned home from Wauchope on 14 July 2021 and whilst feeding pups in the run, noticed one missing. After searching the run, Mr Verhagen located the brindle dog, deceased with large puncture wounds to the chest and neck. Mr Verhagen stated on the form that it appeared that the dog got into a fight with 3 others in the run.

32. On 9 November 2021 Inspector Barrow and Inspector Turner interviewed Mr Verhagen in relation to the death of the brindle dog.

33. The Commission issued Charge 15 against Mr Verhagen in relation to this investigation.

9 November 2021 inspection

34. On 9 November 2021 GWIC Inspectors attended the Property to conduct a kennel inspection and to interview Mr Verhagen in relation to ongoing investigations.

35. The Property was again deemed to be non-compliant with the Code and a number of issues were identified, including:

    - A large build up of fur, dirt and debris in kennels that were yet to be cleaned;
    - A lack of clean, hygienic and dry bedding for all greyhounds;
    - A kennel in an outdoor yard with an A frame shelter that was open on two sides, not providing shelter from the weather;
    - A piece of tine being used as a shelter for two greyhounds, with sharp edges and providing limited shelter from the weather;
    - The outdoor yards had large holes and exposed sharps such as tin and star pickets;
    - Food waste present in the outdoor yards;
    - Lack of clean water containers; and
    - A carport like structure was being used as a kennel area. The structure had dirt flooring which was unable to be cleaned and the structure was open on three sides.

36. Mr Verhagen was issued with written work directions on 10 November 2021 to address the deficiencies identified.

Greyhound with ear wound

37. During the course of the kennel inspection on 9 November 2021 Inspectors Barrow and Turner located a white female greyhound with a visible injury to the ear in the yard numbered '9'. The ear was torn and ripped with dried blood on the edges. The ear was also folded in on itself and the greyhound was continually shaking her head.

38. At the conclusion of the inspection on 9 November 2021 Inspector Barrow issued a 24N Direction (being a direction under section 24N of the *Prevention of Cruelty to Animals Act 1979* (NSW)) upon Mr Verhagen to seek veterinary treatment for the greyhound with the injury to the ear within 7 days.

39. On 15 November 2021 Mr Verhagen emailed Inspector Barrow advising that the greyhound was presented to the veterinary clinic in Clarence Town on 13 November 2021 for treatment.

40. On 25 November 2021 Inspector Barrow contacted Williams River Veterinary Clinic, Clarence Town, who confirmed that Mr Verhagen presented the greyhound with the injured ear for assessment and treatment on 13 November 2021. The clinic provided a copy of the patient history record for the greyhound, confirming that the injury to the ear was likely sustained as a result of a dog fight and that due to the age of the injury it was unable to be sutured.

41. The Commission issued Charge 16 against Mr Verhagen in relation to this investigation.

'Lana Caprina' Litter

42. On 29 November 2021 Inspector Barrow and Inspector Turner interviewed Mr Verhagen in relation to the greyhound 'Lana Caprina' and the litter of five pups whelped by her on 10 November 2021.

43. Mr Verhagen advised Inspector Barrow that the pups were whelped naturally at his property and that all except one of the pups were very small. Mr Verhagen advised Inspector Barrow that they all died within twenty-four to thirsty-six hours of whelping.

44. Inspector Barrow asked Mr Verhagen if he had contacted a veterinarian in relation to the pups, to which Mr Verhagen advised he spoke to Dr Steve Saunders, a friend of his who is a registered veterinarian.

45. Mr Verhagen told Inspector Barrow that Dr Saunders advised him that he did not have the humidicribs required for the pups. Mr Verhagen then stated "*…I didn't get onto anything else, but they were – obviously, they weren't going to make it*."

46. When asked by Inspector Barrow if he sought to contact his usual vet in Clarence Town, Mr Verhagen replied "*No. My bill's huge – huge enough up at the vet at the moment*."

47. On 2 December 2021 Inspector Barrow contacted Williams River Veterinary Clinic who confirmed that there was no record of Mr Verhagen contacting the clinic in relation to 'Lana Caprina' or her pups.

48. The Commission issued Charge 17 in relation to this investigation.

'Little Prospect' Litter

49. On 29 November 2021 Inspector Barrow and Inspector Turner interviewed Mr Verhagen in relation to the death of two pups whelped by the greyhound 'Little Prospect'.

50. Mr Verhagen advised that 'Little Prospect' had had a caesarean section on 17 November 2021 at Williams River Veterinary Clinic in Clarence Town and returned to the property the same day. Mr Verhagen advised Inspector Barrow that he and his wife cared for 'Little Prospect' upon her return to the property and that prior to finding the pups deceased the morning of 18 November, they were last checked at 11:00pm on 17 November 2021.

51. Mr Verhagen advised that the whelping box used was wooden and did not contain 'roll bars'. Mr Verhagen advised Inspector Barrow that it was his belief that the two pups

were squashed by ‘Little Prospect’ and that this occurred within the first couple of days following their whelping.

52. On 2 December 2021 Inspector Barrow contacted Williams River Veterinary Clinic who confirmed that Little Prospect had presented to the clinic on 17 November 2021 for a caesarean section.

53. The Commission issued Charges 18 & 19 in relation to this investigation.

29 November 2021 inspection

54. On 29 November 2021 GWIC Inspectors again attended the Property to conduct a kennel inspection and to interview Mr Verhagen in relation to the investigation.

55. Whilst a number of the issues identified on 9 November 2021 had been rectified, the Property was again deemed to be non-compliant with the Code and a number of issues remained, including:

    a. A lack of clean, hygienic and dry bedding for all greyhounds; and

    b. Two carport like structures being used as a kennel area. The area had dirt flooring, which was unable to be cleaned. Two of the three greyhounds in the area did not have any bedding.

56. Mr Verhagen was issued written work directions on 2 December 2021 to address the deficiencies identified.

57. The Commission issued Charges 20, 21 & 22 in relation to this inspection.

Parentage matter

58. On 23 June 2021, Greyhounds Australasia advised GWIC that DNA analysis had been completed on an unnamed female greyhound from a litter bred in the care of Mr Verhagen purporting to be a litter from Smiley Mulwee x Fernando Bale. The results of the DNA analysis showed that ‘Fernando Bale’ did not qualify as the sire. As a result the Commission commenced an investigation, and the following information came to light.

59. On 16 May 2019 a FSI Service Notification was completed by Sires on Ice, notifying Greyhounds Australasia that ‘Smiley Mulwee’ was served by artificial insemination with frozen semen by the registered stud greyhound ‘Fernando Bale’.

60. On 18 June 2019, the Commission issued a Whelping Notice Form (“**whelping notice**”) for the service of ‘Smiley Mulwee’ and ‘Fernando Bale’.

61. On or about 26 July 2019 Mr Verhagen completed and signed the whelping notice, advising GWIC that the service of ‘Smiley Mulwee’ and ‘Fernando Bale’ resulted in the whelping of six (6) live greyhound pups on 17 July 2019, being four (4) male pups and two (2) female pups.

62. On 3 September 2019 the litter was vaccinated by Dr Saunders of Karuah Veterinary Clinic with a C3 vaccination. The Vaccination Detail Certificate for six pups was signed by Mr Verhagen on 3 September 2019.

63. On 25 October 2019 Mr Verhagen completed and signed an Application for Registration of a Litter. The Application stated that there were 10 pups in the litter.

64. At some stage following the registration of the litter, ownership of three of the pups was transferred from Mr Verhagen to other industry participants. Mr Verhagen retained ownership of the remaining three pups from the litter.

65. Following the results of the analysis of 23 June 2021, on 14 July 2021 Greyhounds Australasia confirmed that 'Smiley Mulwee' did not qualify as the dam of the unnamed female greyhound.

66. On 17 August 2021 Greyhounds Australasia advised that additional DNA analysis on all pups had been completed and that 'Fernando Bale' and 'Smiley Mulwee' qualified as the parents for three of the greyhounds in the litter, and did not qualify as the parents for the three other greyhounds in the litter. The three greyhounds in the litter that did not share DNA with 'Fernando Bale' and 'Smiley Mulwee' were the three greyhounds no longer owned by Mr Verhagen.

67. On 30 August 2021 Chief Inspector OShannessy conducted an interview with Mr Verhagen in relation to this matter. Mr Verhagen confirmed in that interview that the greyhound was kennelled at his property following her service at Sires on Ice on 16 May 2019 until she whelped on 17 July 2019, with the exception of two days following the service, where she was kept at the kennel premises of Mr Alan Ivers.

68. Mr Verhagen confirmed that he was present when 'Smiley Mulwee' whelped on 17 July 2019 and that he was responsible for the litter from their whelp date to the time that they were ear branded and microchipped.

69. In the interview with Inspector OShannessy Mr Verhagen was unable to explain how neither 'Smiley Mulwee' nor 'Fernando Bale' qualified as the parents of three greyhounds in the litter.

70. The Commission issued Charges 23 – 27 in relation to this investigation.

Charges

71. On 13 August 2021 the Commission issued nine charges against Mr Verhagen under Rule 86(o), Rule 84(2), Rule 84A(1), Rule 106(1) and Clause 10 of the Regulation.

72. On 18 February 2022 the Commission issued an additional 18 charges against Mr Verhagen, being Charges 10 – 27, under Rule 84A(1), Rule 86(o), Rule 86(x), Rules 86(ac), Rule 106(1), Rule 106(2), Clause 10 of the Regulation and Standard 4.15 of the Code and Standard 5.3 of the Code of Practice.

Rule 86(o), Rules

A person (including an official) shall be guilty of an offence if the person-

…

(o) has, in relation to a greyhound or greyhound racing, done a thing, or omitted to do a thing, which, in the opinion of the Stewards or the Controlling Body, as the case

may be, is negligent, dishonest, corrupt, fraudulent or improper, or constitutes misconduct;

Rule 84(2), Rules

(2) A registered person who has in their possession at any place used in relation to the training or racing of a greyhound, any quantity of a prohibited substance commits an offence unless that substance has been registered or labelled, or prescribed, dispensed or obtained, in compliance with the relevant State or Commonwealth legislation. The Stewards may take possession of any of these substances or preparations to test and or destroy.

Rule 84A(1), Rules

(1) The person in charge of a greyhound must keep and retain records detailing all vaccinations, antiparasitics and medical treatments administered to a greyhound from the time the greyhound enters their care until the greyhound leaves their care and for a minimum of two (2) years. Such record of treatment must be produced for inspection when requested by a Steward or a person authorised by the Controlling Body. Any person responsible for a greyhound at the relevant time who fails to comply with any provision of this rule shall be guilty of an offence.

Rule 106, Rules

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

…

(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'd s care or custody from being subjected to unnecessary pain or suffering.

Clause 10, Regulation

(1) A greyhound racing industry participant who owns or keeps a greyhound must, in accordance with this clause, provide the following information to the Commission-

…

a) if there is a change in the ownership of the greyhound – details of the change of ownership;

b) if there is a change in the premises at which the greyhound is ordinarily kept – details of the change of premises,

…

(3) If the Commission approves a manner or form for providing information required by this clause, the information must be provided in the approved manner or form.

(4) A greyhound racing industry participant who is required to provide information to the Commission under this clause must do so-

…

a) in the circumstances referred to in subclause (1)(c) – not more than 3 days after the change of premises,

Standard 4.15, Code of Practice

4.15 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.

Standard 5.3, Code of Practice

5.3 All greyhound enclosures, housing and sleeping areas must be designed, constructed and maintained in a way that is safe and provides for the well-being of greyhounds.

73. Mr Verhagen entered a guilty plea to Charges 5 – 6, 8 – 9, 14, 20, 22 and 27 prior to the hearing.

74. The matter proceeded to be heard on 17 and 18 August 2022. Mr Verhagen attended the hearing in person alongside his legal representative. Mr Verhagen's representative made submissions on Mr Verhagen's behalf in relation to the defended charges.

75. The decision makers issued a finding in relation to which charges were proven and which charges were withdrawn at the in-person hearing on 18 August 2022. In relation to Charges 21, 23, 24 and 25, the decision makers determined to amend the particulars issued for these charges based on submissions made by and on Mr Verhagen's behalf. Mr Verhagen's representative made submissions at the hearing on penalty in relation to the charges found proven.

76. The decision makers advised Mr Verhagen and his representative that they would communicate their decision on penalty in writing.

77. The decision makers made the following findings and imposed the following disciplinary action against Mr Verhagen:

Charges 1 - 4 (Rule 86(o)):	Not proven, withdrawn;
Charge 5 (Rule 84(2)):	$150 fine;
Charge 6 (Rule 84A(1)):	$1,000 fine;
Charge 7 (Rule 86(o)):	Not proven, withdrawn;
Charge 8 (Clause 10, Regulation):	$750 fine;
Charge 9 (Rule 106(1)(c)):	6-week suspension;
Charge 10 (Rule 86(o)):	Not proven, withdrawn;
Charge 11 (Standard 4.15, Code):	Not proven, withdrawn;
Charge 12 (Standard 5.3, Code):	Not proven, withdrawn;
Charge 13 (Rule 106(1)(d)):	10-month disqualification;
Charge 14 (Rule 86(x)):	3-month disqualification;
Charge 15 (Rule 106(2)):	Not proven, withdrawn;

Charge 16 (Rule 106(1)(c)):	Not proven, withdrawn;
Charge 17 (Rule 106(1)(d)):	12-month disqualification;
Charge 18 (Rule 86(o)):	6-month suspension;
Charge 19 (Standard 4.15, Code):	Withdrawn;
Charge 20 (Rule 84A(1)):	$225 fine;
Charge 21 (Rule 106(1)(c)):	4-month suspension;
Charge 22: (Clause 10, Regulation):	$750 fine;
Charges 23 - 25 (Rule 86(ac)):	18-month disqualification;
Charge 26 (Rule 86(x)):	Not proven, withdrawn;
Charge 27 (Rule 86(x)):	2-month disqualification,

- with the penalties for Charges 9, 13-14, 17-18 & 21 to be served concurrently, with the net effect being a 12-month disqualification;
- with the penalties for Charges 23-25 & 27 to be served concurrently, with the net effect being an 18-month disqualification;
- with the above 12-month disqualification period to be served cumulatively with the 18-month disqualification period;
- with the net penalty to be served by Mr Verhagen to be a 30-month disqualification;
- with the total fines issued against by Mr Verhagen to be $2,875.

78. In taking this disciplinary action, the decision makers considered all evidence, including:

    - NSW greyhound racing precedents for like charges;
    - Mr Verhagen's early guilty plea to Charges 5 – 6, 8 – 9, 14, 20, 22 and 27;
    - Mr Verhagen has held a registration in the greyhound racing industry since 2002, approximately 20 years;
    - Mr Verhagen has no like matters in his disciplinary history, noting one prior positive swab matter in 2019;
        - With regard to Charge 18, decision makers noted that Mr Verhagen had experienced at least one previous instance where a greyhound had rolled on one or more puppies in her litter. The decision makers took this into account when determining Charge 18, including the appropriate penalty, as well as the fact that the Commission's Code of Practice and the Industry Practice Guide 17.0 (relating to whelping boxes) had been published and in force since January 2021, some 11 months prior to the circumstances relating to Charge 18.

- The submissions made on Mr Verhagen's behalf in mitigation of penalty, including but not limited to:
    - Mr Verhagen's personal circumstances, including his health circumstances; and
    - Mr Verhagen's experience in the industry, including the large number of greyhounds bred and reared at his Property.

……...End……..…….