

**GREYHOUND WELFARE & INTEGRITY COMMISSION
DISCIPLINARY ACTION DECISION**

- Date of decision:** 7 February 2024
- Decision-maker:** Chief Commissioner Brenton (Alby) Taylor
- Name of relevant person:** Mr Trevor Leonard Rice
- Date:** Various dates between February 2019 and January 2022
- Rule charged:** Rule 86(o), Rule 86(x), Rule 106(3)(b)
- Charges:**
- Charge 1 (Rule 86(o))**
On or around 11 May 2021, whilst interim suspended, Mr Rice retired the greyhound *Legend Man* to a third party, without seeking approval from GWIC prior to doing so.
- Charge 2 (Rule 86(o))**
On or around 21 April 2021, whilst interim suspended, Mr Rice retired the greyhound *Penumbra* to a third party, without seeking approval from GWIC prior to doing so.
- Charge 3 (Rule 86(o))**
On or around 11 May 2021, whilst interim suspended, Mr Rice retired the greyhound *Avoid Regrets* to a third party, without seeking approval from GWIC prior to doing so.
- Charge 4 (Rule 86(o))**
On or around 11 May 2021, whilst interim suspended, Mr Rice retired an unnamed greyhound (Ear Brand NHBYN) to a third party, without seeking approval from GWIC prior to doing so.
- Charge 5 (Rule 86(o))**
On or around 15 April 2021, whilst interim suspended, Mr Rice retired the greyhound *Simply Chaotic* to a rehoming organization, without seeking approval from GWIC prior to doing so.
- Charge 6 (Rule 86(o))**
On or around 15 April 2021, whilst interim suspended, Mr Rice retired an unnamed greyhound (Ear Brand NIESW) to a rehoming organization, without seeking approval from GWIC prior to doing so.
- Charge 7 (Rule 86(o))**
On or around 14 July 2021, whilst interim suspended, Mr Rice retired the greyhound *Odi Sanette* to an unknown location, without seeking approval from GWIC prior to doing so.
- Charge 8 (Rule 86(o))**
On or around 14 July 2021, whilst interim suspended, Mr Rice retired the greyhound *Fast Judgement* to an unknown location, without seeking approval from GWIC prior to doing so.

Charge 9 (Rule 86(o))

On or around 14 July 2021, whilst interim suspended, Mr Rice retired the greyhound *Cappuccino* to a third party, without seeking approval from GWIC prior to doing so.

Charge 10 (Rule 86(x))

On or around 11 May 2021 Mr Rice made a false statement to the Commission about the location of the greyhound *Proud Moment*.

Charge 11 (Rule 86(x))

On or around 1 November 2020 Mr Rice made a false statement to the Commission about the location of the greyhound *Odi Sannette*.

Charge 12 (Rule 86(x))

On or around 1 November 2020 Mr Rice made a false statement to the Commission about the location of the greyhound *Fast Judgement*.

Charge 13 (Rule 86(x))

On or around 18 February 2021 Mr Rice made a false statement to the Commission about the location of the greyhound *Cappuccino*.

Charge 14 (Rule 86(o))

On an unknown date between 1 February 2019 and 26 January 2022 Mr Rice has caused the death of the greyhound *Big Prince* by using an object to cause severe damage to the cranium of the greyhound and has buried the greyhound on his property.

Charge 15 (Rule 86(o))

On an unknown date between 23 September 2019 and 26 January 2022 Mr Rice has caused the death of the greyhound *Double Take* by using an object to cause severe damage to the cranium of the greyhound and has buried the greyhound on his property.

Charge 16 (Rule 86(o))

On an unknown date between 21 February 2020 and 27 April 2020 Mr Rice has caused the death of the greyhound *Itchy McCaw* by using an object to cause severe damage to the cranium of the greyhound and has buried the greyhound on his property.

Charge 17 (Rule 86(o))

On an unknown date between 1 June 2019 and 26 January 2022 Mr Rice has caused the death of the greyhound *Diva's Dream* by using an object to cause severe damage to the cranium of the greyhound and has buried the greyhounds on his property.

Charge 18 (Rule 106(3)(b))

Mr Rice failed to notify the Commission within two working days about the death of three greyhounds in his care and control.

- Plea:** Guilty to Charges 1 to 9, and 18
Not guilty to Charges 10 to 17
- Disciplinary action taken:**
- Charges 1 to 9:** A fine of \$250 per charge;
 - Charges 10 to 13:** A disqualification of four (4) months per charge;
 - Charges 14 to 17:** A lifetime disqualification per charge; and
 - Charge 18:** A fine of \$1,000.
- With,
- the fines totalling \$3,250;
 - the periods of disqualification imposed for charges 10 to 13 to be served concurrently;
 - the periods of disqualification imposed for charges 14 to 17 to be served concurrently;
 - the total penalty to be a lifetime disqualification and a fine of \$3,250.

BACKGROUND

1. This matter unfortunately has a lengthy history. The eighteen (18) charges brought against Mr Rice by the Commission can be loosely classified into three broad groups as follows:
 - Group One: **Notification Offences** (including Charges 1 to 9 and 18);
 - Group Two: **False Statement Offences** (including Charges 10 to 13); and
 - Group Three: **Welfare Offences** (including Charges 14 to 17).

Background – Group One – Notification Offences

2. Charges 1 to 9 arose following Mr Rice being suspended on an interim basis by the Commission for a separate and unrelated matter. During the period of his interim suspension, Mr Rice rehomed a number of greyhounds that were in his care.
3. Whilst the Commission was and remains supportive of participants who are subject to penalty seeking to relocate or retire greyhounds that are in their care, Mr Rice engaged in rehoming activities without the prior approval of the Commission. By engaging in these activities, Mr Rice breached the terms of his interim suspension, and the Commission alleges that by doing so, he engaged in misconduct. These offences are captured in Charges 1 to 9.
4. Charge 18 relates to three (3) greyhounds dying whilst in Mr Rice's care. Mr Rice failed to notify the Commission of the deaths of these greyhounds within the two (2) day period as required by the Greyhound Racing Rules in effect at the time.

Background – Group Two – False Statement Offences

5. Charges 10 to 13 arose out of the same series of events as Charges 1 to 9. Mr Rice, whilst subject to an interim suspension, engaged in rehoming activities without the prior approval of the Commission.
6. These charges relate to Mr Rice submitting retirement notification forms to the Commission during the period November 2020 to May 2021 for four (4) greyhounds, being the greyhounds *Proud Moment*, *Odi Sanette*, *Fast Judgement* and *Cappuccino*. At the time that each of these forms were lodged with the Commission, Mr Rice indicated that each of the greyhounds concerned had been:
 - a. retired from racing; and
 - b. transferred to the custody of the *Greyhounds as Pets (GAP)* rehoming organisation.
7. The evidence has shown, however, that at the time that each of these retirement forms was lodged with the Commission, the greyhounds were not, in fact, in the custody of GAP. Rather, the greyhounds were either still in the custody of Mr Rice, or were in the custody of other parties, and the declarations contained within those retirement notification forms were therefore false.

Background – Group Three – Welfare Offences

8. Charges 14 to 17 arose out of a separate investigation from the charges contained in Groups One and Two.
9. In January 2022, the Commission received an anonymous report that Mr Rice had caused the deaths of a number of greyhounds in his care. In the course of investigating this report, the Commission attended a property that Mr Rice had previously used as his registered kennel address. Whilst at the property, Commission Inspectors exhumed the remains of several greyhounds.
10. This group of charges allege that between defined dates specific to each greyhound, Mr Rice caused the deaths of the greyhounds *Big Prince*, *Double Take*, *Itchy McCaw* and *Diva's Dream* in each case, by using an object to cause severe damage to the cranium of each greyhound, before burying the greyhounds at the property at which Mr Rice then resided.

DECISION ON GUILT

Group One – Notification Offences

11. At the hearing conducted on 11 September 2023 at the Grafton Racetrack (the **September 2023 hearing**), Mr Rice entered pleas of “Guilty” in relation to Charges 1 to 9 and Charge 18.
12. For the sake of completeness, I note that Mr Rice took the opportunity during the September 2023 hearing to change his original plea of “Not Guilty” in relation to Charge 2, to a plea of “Guilty”. I formally accepted his change in plea during that hearing. I consider the appropriate penalty for these charges at paragraph 127, below.

Group Two – False Statement Offences

13. At the September 2023 hearing, Mr Rice entered pleas of “Not Guilty” to Charges 10 to 13.
14. A key function of the Commission is to trace greyhounds registered with the Commission to ensure their good health and well-being. This includes ensuring that no greyhound has been killed unless necessary. The importance of this function and the truthfulness of related communications between industry participants and the Commission, is critical to guarantee the well-being of all registered greyhounds. This becomes even more important, when an allegation arises that a greyhound is missing or may have been killed.
15. The only greyhounds which the Commission is not charged with overseeing their on-going welfare and longevity, are greyhounds which have been placed on the Companion Animals Register, at which point these the obligations pass to Local Councils and the RSPCA under the *Companion Animals Act (NSW) 1998*.
16. The eTrac system allows the Commission to guarantee ‘proof of life’ of all registered greyhounds in NSW. At the time of these offences, a manual reporting process was in place and until eTrac reaches full functionality, the Commission continues to use, at least to some extent, a manual system to track the whereabouts of registered greyhounds.
17. The Commission relies upon the honesty and truthfulness of greyhound industry participants in advising the Commission as to the whereabouts and bona fides of greyhounds within a participant’s custody. If any participant is less than truthful in making their declarations and attestations to the Commission, the system will fail.
18. This is a circumstance where the outcome of the process is intrinsically linked to the veracity of each industry participant. An untruthful participant has the ability to negatively impact the brand and reputation of the sport, and completely damage both the public’s confidence in the sport of greyhound racing. This of course, is without even considering the more sinister reasons why a participant might be untruthful in making a declaration to the Commission.
19. One way in which greyhounds are rehomed outside of the industry is through the rehoming program known as ‘Greyhounds as Pets’ (**GAP**). In this matter, Mr Rice declared that a number of greyhounds had been rehomed to the GAP program, misleading the Commission and concealing the truth about each greyhound’s actual location.
20. It is a privilege to be registered in the greyhound racing industry, not a right. With that privilege comes a responsibility to be truthful in all dealings with the Commission, so that the Commission may perform its functions effectively. It is unacceptable in any circumstance, for a declaration by a participant to be inaccurate or untruthful, excepting the case of genuine mistake or oversight. For these reasons, matters deemed to be an act of providing false or misleading statements must be dealt with harshly, as a matter of both specific and general deterrence.
21. Under Rule 106(3) in force at the time, a positive obligation was imposed upon greyhound industry participants to notify the Controlling Body (being the Commission), within ten (10) days if a greyhound was:
 - transferred to a new owner or to an adoption program;
 - retired from racing to be a pet or to breed with;
 - exported; or
 - surrendered to another agency.

22. Under the same Rule (which was in force at the time), where a greyhound died, a participant was required to notify the Controlling Body (being the Commission) within two (2) days of that death. Since 30 August 2019, Clause 10 of the *Greyhound Racing Regulation 2019* has required a greyhound racing industry participant to provide details of the change of premises of a greyhound to the Commission not more than three (3) days after the change or premises occurs.
23. During the hearing, Mr Rice made a submission that when he completed the retirement notification forms, it was his 'intention' to rehome the greyhounds concerned with GAP, and at all times, his 'intention' was real. As such, Mr Rice submitted that he ought not be found guilty of these charges.
24. I do not accept this argument, as it is one that diminishes Mr Rice's responsibility to his greyhounds and fails to meet his positive obligation to report accurately and honestly to the Commission as to the whereabouts of the greyhounds.
25. In respect of these charges, Mr Rice has been, in my view, misleading in relation his declarations pertaining to the greyhounds *Proud Moment*, *Odi Sanette*, *Fast Judgement* and *Cappuccino*. I therefore find Mr Rice guilty of Charges 10 to 13. I consider the appropriate penalty for these charges at paragraph 127, below.

Group Three – Welfare Offences – Charges 14 to 17

Background

26. At the September 2023 hearing, Mr Rice entered pleas of "Not Guilty" to Charges 14 to 17.
27. One of the most serious offences which a greyhound industry participant can commit is the act of killing a greyhound. In considering these charges, I have undertaken a detailed consideration of all the evidence presented.
28. In Australia, the common law recognises two standards of proof. The civil standard requires that an allegation must be proven "*on the balance of probabilities*". The criminal standard of proof requires an allegation to be proven "*beyond a reasonable doubt*".
29. The Commission has chosen to proceed with charges under its regulatory regime, instead of commencing criminal proceedings against Mr Rice. As the regulator conducting disciplinary proceedings against a participant, the appropriate standard of proof required is the civil standard, meaning that the charges alleged must be proven "*on the balance of probabilities*", and requires a decision maker to be satisfied that the evidence shows that it is more probable than not, that the offence was committed. Having said that, the strength of the evidence necessary to establish a fact or facts on the balance of probabilities may vary according to the nature of what is being sought to be proven.
30. I have had significant regard to the principles articulated in *Briginshaw*¹. As a decision maker in a matter where serious and grave allegations have been made, I must have an actual persuasion that the allegation has been established. In this matter, there are several critical pieces of evidence which need to be considered in determining whether the burden of proof against Mr Rice has been established.

¹ *Briginshaw v Briginshaw* (1938) 60 CLR 336.

Burial Sites of Deceased Greyhounds

31. I have had regard for the evidence of Ms Ashley Rice, the daughter of Mr Rice. To avoid any confusion between Ms Rice and Mr Rice, I shall refer to Ms Rice as simply “Ashley”.
32. I note the evidence of Ashley in her statement of 1 February 2022, in which she outlines a conversation between herself and Inspector Austin, from the Commission, that occurred on 27 January 2022 at Ashley’s property at Leeville, NSW (the **Leeville Property**):
- “...I was worried about the greyhounds Trevor had killed and buried on the property.”*
- “I then explained to Inspector AUSTIN, that Trevor had killed some dogs and buried them in the garden beds, and then pointed out the small concrete slab near where we were standing...”²*
33. On Wednesday 2 February 2022 and Thursday 3 February 2022, Commission Inspectors attended the Leeville Property and excavated:
- a concrete slab – identified as “Site One”;
 - a raised garden bed – identified as “Site Two”; and
 - a raised garden bed – identified as “Site Three”.
34. The fact that Ashley was able to direct Commission Inspectors to the exact locations where the greyhounds were buried in my view adds both credibility and weight to her statement of 1 February 2022.

Exhumation of Greyhound Remains

35. On 2 February 2022, Commission Inspectors attended the Leeville Property and commenced excavation of Site One. The Inspectors located and exhumed the remains of a greyhound which was buried beneath a concrete slab.
36. A microchip was located within the remains of the greyhound’s skeleton and was identified as belonging to the greyhound *Big Prince*. The Commission’s records reflected that *Big Prince* was alive and in Mr Rice’s care.
37. The Commission Inspectors then excavated Site Two, being a raised garden bed. The Inspectors located and exhumed four (4) greyhound skeletons, being:
1. *Itchy McCaw* – a greyhound that Mr Rice reported to GWIC on 25 April 2020 as having been found deceased in its kennel with a bloated stomach;
 2. *Diva’s Dream* – a greyhound that was reported to be alive and in Mr Rice’s care;
 3. *Double Take* – a greyhound that was reported to be alive and in Mr Rice’s care; and
 4. Unknown – a greyhound that was unable to be identified.
38. In my view, it is significant that Mr Rice had failed to notify the Commission of the deaths of *Big Prince*, *Diva’s Dream* and *Double Take*.

² Statement of Ms Ashley Rice dated 1 February 2022, [25] – [26].

39. On 3 February 2022, Commission Inspectors returned to the Leeville Property where they excavated Site Three, being an additional raised garden bed adjacent to Site Two.
40. During the excavation of Site Three, Commission Inspectors located the skeletal remains of one greyhound, which was identified by microchip as being the greyhound *When Dell*. Mr Rice had notified the Commission on 7 June 2020 of the death of *When Dell*, reporting that the greyhound had died from “*unknown causes*”, with the greyhound “*taking its last breath in the galloping run, laying on the ground. Didn’t seem to have a mark on him.*”³
41. During this two-day period at the Leeville Property, Inspectors observed that four (4) of the greyhounds exhumed - being *Big Prince*, *Itchy McCaw*, *Diva’s Dream* and *Double Take* - appeared to have extensive skull fractures.
42. The remains of all six (6) greyhounds exhumed from the Leeville Property were tagged, sealed and transported to the University of Sydney for further examination.

No Dispute the Greyhounds were Killed

43. In considering the above, I note that Mr Rice accepts that the four (4) greyhounds in question were killed. At the September 2023 hearing, Mr Rice stated “*We know the dogs were killed.*”⁴
44. When questioned specifically about *Big Prince*, Mr Rice gave the following answers:

Summerson-Hingston: *Do you recall how the greyhound died?*

Mr Rice: *Yes.*

Summerson-Hingston: *You do recall? Okay. How did it die?*

Rice: *My daughter, Ashley Rice, and her brother-in-law.*

Summerson-Hingston: *Sorry, you’re saying that your daughter, Ashley Rice, and her brother-in-law had something to do with the greyhound’s death?*

Rice: *Yes.*

Summerson-Hingston: *What did they do?*

Rice: *I wasn’t there. They put the dogs down.*

Summerson-Hingston: *How do you know they did that?*

Rice: *I don’t really.*

Summerson-Hingston: *Okay.*

Rice: *I don’t – could have been anybody, but I’m sure it was them.*

Summerson-Hingston: *Okay. So, just to clarify, you’re alleging that Big Prince was killed by someone other than you?*

Rice: *Oh, definitely, yes.*

Summerson-Hingston: *So, you agree that the greyhound was killed, it didn’t die of natural causes?*

Rice: *The expert says that, no, it was killed.*⁵

³ Greyhound Death Notification for *When Dell* dated 12 June 2020 and signed by Mr Trevor Rice.

⁴ Transcript of 11 September 2023 hearing, page 41, line 28.

⁵ *Ibid*, page 44, lines 13 to 47.

45. In fairness to Mr Rice, he later replied when asked:

Chief Commissioner: *But what's your position, not the expert's position? Do you believe that the dog was killed?*
 Taylor: *believe that the dog was killed?*
 Rice: *I don't know. The dog was gone.*⁶

46. Mr Rice also gave the following evidence in respect of *Big Prince*:

Summerson-Hingston: *Okay. What happened when you realised it was gone? Were you worried? Did you think it was missing?*
 Rice: *No, not really.*
 Summerson-Hingston: *You weren't worried?*
 Rice: *No.*
 Summerson-Hingston: *Okay. What did you think happened to it?*
 Rice: *She got rid of it.*
 Summerson-Hingston: *And when you say, "got rid of it", like, rehomed or?*
 Rice: *She put it down.*
 Summerson-Hingston: *So you assumed at the time that Ashley put it down. Did you think – did you know that it was Ashley's practice to kill greyhounds?*
 Rice: *She'd kill anything. Kill you, if she could.*⁷

47. I reject Mr Rice's evidence in this regard. By his own admission, Mr Rice knew or believed that *Big Prince* had been killed yet did nothing. The failure of Mr Rice to report the disappearance of the greyhound *Big Prince* shows a complete lack of responsibility on his part. From this evidence I have drawn a conclusion that Mr Rice's inaction was motivated by a desire to avoid suspicion surrounding the greyhound's death and to protect himself from investigation.

48. In my view, it is clear that Mr Rice at all times believed that *Big Prince* had been killed. When questioned by Ms Summerson-Hingston why he believed that Ashley had killed *Big Prince*, he responded "*Maybe she didn't. Somebody did.*"⁸

49. In the same line of questioning, I asked Mr Rice:

Taylor: *So it's your belief that some person killed the dog Big Prince?*
 Rice: *I presume so if it's dead in the garden bed, yes.*
 Summerson-Hingston: *And is it your belief that the same person buried the greyhound in the garden bed?*
 Rice: *Of course.*⁹

50. Later during the hearing, Mr Rice stated: "*...The dog is dead. It's had a hammer to its head. But who did it?*"¹⁰

⁶ Transcript of 11 September 2023 hearing at page 45, lines 4 to 7.

⁷ Ibid, page 45, lines 14 to 36.

⁸ Ibid, page 46, line 9.

⁹ Ibid, page 46, lines 21 to 29.

¹⁰ Ibid, page 48, lines 2 to 3.

51. In an interview conducted between Commission Inspector Austin and Mr Rice, Inspector Austin asked Mr Rice:

Inspector Austin: *So, at the rear of the shed there...was a small slab...we actually had to go through that slab, and [Big Prince] was located there. It...looked like it had an injury to the back of its skull. Can you tell us anything about that?*

Rice: *No.*¹¹

52. During the same interview Inspector Austin and Mr Rice had the following exchange:

Austin: *...Did you remember putting a dog under that concrete?"*

Rice: *No, not really. No*

Austin: *...So can you tell me how the dog came to be under the concrete, then?*

Rice: *It would have been by me.*

Austin: *Okay. Yep. And, you don't remember the circumstances of it dying? Or, how it died?*

Rice: *No. I certainly didn't kill it but... yeah. No. I don't recall...*¹²

53. Mr Rice's evidence as to how *Big Prince* came to be buried under the concrete slab varied greatly, which suggests to me that he is not being truthful. I consider that Mr Rice's changing evidence and his obvious evasion of questions indicates a consciousness of guilt on his part and I find that he was, responsible for the deaths of the greyhounds.

Likely Cause of Death of Greyhounds

54. I have had regard to the evidence of Dr Donlon, a forensic anthropologist and archaeologist, employed by the University of Sydney. The Commission engaged Dr Donlon to undertake an anthropological examination of the greyhound skeletal remains exhumed by the Commission Inspectors from the Leeville Property and prepare a report for the Commission (the **Donlon Report**).

55. Dr Donlon holds professional qualifications in anatomy, biology, archaeology, and physical anthropology and professional appointments with the University of Sydney and the Royal College of Pathologists Australasia. In addition, Dr Donlon regularly acts as a consultant anthropologist for a number of law enforcement agencies. As a forensic anthropologist and archaeologist, Dr Donlon is involved in the search for, and recovery of human remains and in the investigation of and reporting on skeletal remains. As such, she is familiar with prehistoric, historic, and recent human skeletal remains.

56. I regard Dr Donlon as an expert witness, and I accept her report and subsequent testimony at the September 2023 hearing as expert evidence. Accordingly, I afford it significant weight.

¹¹ Interview of Mr Trevor Rice, 11 February 2022 at page 4, lines 18 to 22.

¹² Ibid, page 5, lines 4 to 13.

57. I note the evidence of Ashley in her statement of 1 February 2022 in which she states:

“...I then explained to Inspector AUSTIN, that Trevor had killed some dogs and buried them in the garden beds, and then pointed out the small concrete slab near where we were standing. He asked did he shoot them, and I told him, that because he didn’t have a gun, he had hit them on the head with a hammer.”¹³

58. This statement from Ashley has direct relevance to the report authored by Dr Donlon, following her examination of the skeletal remains of the six (6) greyhounds exhumed from the Leeville Property.

59. The Donlon report had regard to ‘perimortem trauma’ when considering the possible cause of death of the greyhounds. Perimortem was defined by Dr Donlon in her report as:

“Perimortem trauma refers to damage inflicted on fresh/wet bone which is bone which still retains moisture and organic contents (e.g. water and lipids.)...Perimortem refers to the period surrounding death, that is just before or after death, because the bone retains some moisture and organic contents for a while after death. Because of this, damage inflicted for a short time after death can have a similar appearance to that just before death. Perimortem breaks of bones are usually sharp (showing no healing) and there may be differences in colour between the external and internal surfaces of cortical bone, unless the bones have been buried in which case the broken surfaces may be stained the same colour by the soil and root activity. Perimortem defects often result in plastic deformation of the bone such that the bone cannot return to its original shape and fragments cannot be reconstructed properly. Perimortem fragments often remain partially attached or hinged to other bones as soft tissue was holding them in place when the trauma occurred.”¹⁴

Big Prince

60. Dr Donlon concluded that *Big Prince* suffered perimortem trauma in the form of severe damage to the frontal and parietal bones of the cranium, with a circular defect on the posterior of the right side with radiating fractures.

61. Dr Donlon also concluded that the left parietal bone had a roughly circular defect with one radiating fracture and external bevelling. The left zygomatic arch was found to be broken off and missing. The only antemortem trauma noted was “*severe attrition of the maxillary incisors*” (the teeth).¹⁵

62. At the September 2023 hearing, Dr Donlon gave evidence that the damage to *Big Prince*’s skull was consistent with a person using an object to inflict blunt trauma on the greyhound, and that it is more likely than not, that the damage occurred whilst *Big Prince* was alive, therein causing the greyhound’s death.

¹³ Statement of Ms Ashley Rice dated 1 February 2022, [26].

¹⁴ Anthropological examination of Greyhound skeletons from Leeville, NSW: Report to the Greyhound Welfare and Integrity Commission May 2022 by Dr Denise Donlon, page 18.

¹⁵ Ibid, page 8.

Double Take

63. Dr Donlon concluded that *Double Take* suffered perimortem trauma in the form of a large defect to the top of the cranium. Donlon noted some hinging, deformation, and curved fractures, with the right zygomatic arch being broken and deformed. She noted no sign of healing and no sign of any exit wound. She noted no antemortem trauma.
64. At the September 2023 hearing, Dr Donlon gave evidence that the damage to *Double Take's* skull was consistent with a person using an object to inflict blunt force trauma on the greyhound, and that it is more likely than not that the damage occurred whilst *Double Take* was alive, causing the greyhound's death.

Itchy McCaw

65. Dr Donlon concluded that *Itchy McCaw* suffered perimortem trauma including the cranium being broken into two pieces, with circular holes on both sides of the posterior parietal bones. She also found some hinging, deformation, and curved fractures. Both zygomatic arches were broken, and the coronoid processes of the right side of the mandible was broken.
66. Dr Donlon noted antemortem trauma including two ribs having healed fractures, one with two fractures and the other with one fracture (suggesting rib injuries during *Itchy McCaw's* life that had healed before its death), as well as severe attrition of the maxillary and mandibular canines and incisors.
67. At the September 2023 hearing, Dr Donlon gave evidence that the damage to *Itchy McCaw's* skull was consistent with a person using an object to inflict blunt force trauma on the greyhound, and that it is more likely than not that the damage occurred whilst *Itchy McCaw* was alive, causing the greyhound's death.

Diva's Dream

68. Dr Donlon concluded that 'Diva's Dream' suffered perimortem trauma including three holes in the top of the cranium, one of which was very circular in shape. Some of the fractures were hinged, and none showed any sign of healing.
69. Dr Donlon detected antemortem trauma and disease including three ribs with single healed fractures and one rib with two healed fractures.
70. At the September 2023 hearing, Dr Donlon gave evidence that the damage to *Diva's Dream's* skull was consistent with a person using an object to inflict blunt force trauma on the greyhound, and that it is more likely than not that the damage occurred whilst *Diva's Dream* was alive, causing the greyhound's death.

When Dell and Unknown Greyhound

71. In relation to the unknown greyhound and the greyhound *When Dell*, Donlon made no significant findings with respect to perimortem trauma but did note that the unknown greyhound had some antemortem trauma in the form of a metatarsal with a partially healed fracture.

Dr Donlon's Overall Findings

72. Dr Donlon noted in her report that the skulls of *Big Prince*, *Double Take*, *Itchy McCaw* and *Diva's Dream* were *"in far worse condition than the remainder of the skeleton due to perimortem damage rather than post-mortem damage."*¹⁶

73. Dr Donlon reported:

*"The skulls with perimortem trauma followed a pattern. In the majority of cases the damage was restricted to the frontal and parietal bones and the zygomatic arches. There was evidence of multiple trauma to individual dogs..."*¹⁷

74. Dr Donlon ruled out the possibility of the injuries being occasioned to the greyhounds by a gunshot (specifically a bullet). Rather, she noted that:

*"Features consistent with blunt trauma are depressed fractures, plastic deformation, lack of a clear entry and exit wound...all of the trauma has the appearance of blunt trauma."*¹⁸

75. In summarising her findings and conclusions, Dr Donlon indicates that:

*"Four of the six greyhounds with skulls were found with perimortem damage to the skull. No bones from the postcranial skeletons had clear signs of perimortem damage. The trauma to the skulls has the appearance of multiple perimortem blunt trauma."*¹⁹

*"The presence of severe perimortem damage on four of the skulls, but not on the postcranial skeletons suggests they suffered from severe blunt trauma to the head."*²⁰

76. During the September 2023 hearing, Dr Donlon was asked whether there would be any reason to 'crack' the skull of animal after its death, such as for the purpose Mr Rice expressed. Dr Donlon gave the following evidence:

Summerson-Hingston: *In your professional opinion, would there be any reason to crack the skull of an animal after it died?*

Dr Donlon: *I can't imagine any reason why you would do that.*

Summerson-Hingston: *So there's no benefit to decomposition?*

Donlon: *No. If you wanted to speed up decomposition, that's not the area you would target.*²¹

...

Taylor: *In undertaking your examinations of the dogs, you indicated that if a person wanted those dogs to decompose quicker, more expeditiously, that there would be other ways in which a person could seek to speed up that decomposition, is that correct?*

Donlon: *Yes.*

¹⁶ Anthropological examination of Greyhound skeletons from Leeville, NSW: Report to the Greyhound Welfare and Integrity Commission May 2022 by Dr Denise Donlon, page 17.

¹⁷ Ibid, page 22

¹⁸ Ibid, page 23

¹⁹ Ibid, page 24.

²⁰ Ibid, page 24.

²¹ Transcript of 11 September 2023 hearing at page 35, lines 33 to 41.

Taylor: *And what were you referencing? What sort of ways were you referencing when you talked?*

Donlon: *Well, I was thinking that you would open up the abdomen of the dog.*

Taylor: *And in your examination of the bodies of the four dogs...apart from the injuries which you've already identified to the skulls of the animals, did you detect any other injuries to any of the dogs in particular?*

Donlon: *No, no perimortem injuries at all.*²²

77. The expert evidence of Dr Donlon is of particular significance when considered alongside the evidence of Ashley. I am comfortably satisfied that the evidence indicates that the four (4) greyhounds were killed by the infliction of severe blunt force trauma to the head, likely by using a hammer to strike their heads.
78. The fact that Ashley's statement as to the cause of death of these dogs is independently corroborated by the findings of the Donlon Report adds to the credibility of Ashley's evidence.

Mr Rice's Involvement

79. I note the evidence of Ashley in her statement of 1 February 2022 which she states:

"I then took Inspector AUSTIN to the garden beds behind the garden shed. I remember that Trevor parked his white van in the gap behind the house and the water tanks to block the view of the new neighbours. The house next door had been recently sold and it was around the time the new neighbours had just moved in.

When he moved the van to the front of the house, I saw a big blood splatter up the side of it. It was very distinct as it is a white van. He said, "Oh shit, don't look at that." I immediately asked what happened, and he said to me that he had taken care of a few dogs. He then proceeded to clean the blood from the side of the van."

"He also told me not to dig in the garden beds as there was something in there. I immediately knew this to mean he had buried the greyhounds in the garden beds. He stated that there wasn't much dirt and had put an old roofing sheet over the top of the garden bed..."²³

80. Ashley's evidence as to how the greyhounds were killed aligns directly with the expert evidence of Donlon. Furthermore, Ashley's evidence as to where the greyhounds were buried proved to be completely accurate. Accordingly, I consider the evidence of Ashley to be credible and I accept the evidence of Ashley, that she observed blood splatter on the vehicle of Mr Rice. I specifically note her use of the words "*I remember*" in her statement.

²² Transcript of 11 September 2023 hearing at page 36, line 39 to page 37, line 10.

²³ Statement of Ms Ashley Rice dated 1 February 2022 at paragraphs 29 to 31.

81. Moreover, I am inclined to accept Ashley's evidence that Mr Rice said to her, words to the effect that "...he had taken care of a few dogs"²⁴ which I believe can reasonably be interpreted as meaning that Mr Rice had just killed a few dogs.
82. Furthermore, I note that Ashley describes her observations of the van as having "a big blood splatter up the side of it."²⁵
83. I am comfortably satisfied that the evidence of Ashley is credible. Accordingly, I find that it was Mr Rice alone, who was responsible for the death of the greyhounds, and that the deaths of the greyhounds occurred as a result of Mr Rice inflicting severe blunt force trauma to the heads of the greyhounds concerned, such that it killed the greyhounds, and in the process, generated a significant or "big" blood splatter on his vehicle.

Burial of the Greyhounds

84. Throughout the disciplinary process, Mr Rice made a number of admissions in relation to burying deceased greyhounds in raised garden beds. One such example is in the interview of February 2022, when he stated:

Austin: ...the dogs that were there, we identified five of them... Can you tell us anything about that?

Rice: ...I put all the dogs that died - we can't dig holes at our place so I bought those vegetable gardens and.... every dog that died, we used to put in that and put compost on top.²⁶

85. Mr Rice also gave answers in which he indicated that Ashley was aware of him burying deceased greyhounds in the raised garden beds. In my view, this answer adds credibility to the evidence of Ashley, who brought the burying of deceased greyhounds in garden beds to the Commission's attention.
86. When questioned by Inspectors about the greyhound *Double Take*, Mr Rice stated that he had a general practice of cracking open the skulls of deceased greyhounds before burying them, with the following exchange occurring:

Austin: ...*Double Take* appeared to have the same sort of blunt force trauma to the – the skull. Do you recall what happened with that dog?

Rice: Yeah, that's a common thing that you'd crack their skulls and stuff so their [sic] break down quicker. I was always taught that.

Austin: So you were taught – what do you mean? Can you explain that to me?

Rice: Well, they break down quicker if you open their skin up, you break their skulls and you bury them.²⁷

²⁴ Statement of Ms Ashley Rice dated 1 February 2022 at paragraph 30.

²⁵ Ibid, paragraph 30.

²⁶ Interview of Mr Trevor Rice, 11 February 2022 at page 3, lines 10 to 17.

²⁷ Interview of Mr Trevor Rice, 11 February 2022 at page 11, lines 1 to 8.

87. Later, Mr Rice was asked:

- Austin: *How – how did you perform that?*
 Rice: *Usually with a hammer.*
 Austin: *A hammer. Do you recall doing that with those ones that were in there?*
 Rice: *No, I can't remember specific dogs, but ---*
 Austin: *Yep. Okay.*
 Rice: *But, that wouldn't surprise me that you found a dog in a hole with its skull crashed – crushed.*
 Austin: *Okay.*
 Rice: *That happened when it was deceased, not when it was alive.*²⁸

88. This exchange between Inspectors and Mr Rice is significant, as Mr Rice admits to using a “hammer” to “crack” or “crush” the skulls of greyhounds which aligns with the evidence of Ashley and the conclusions of Dr Donlon.

89. As a matter of fairness, I note that during the February 2022 interview Mr Rice made definitive statements that the skulls of the dogs were crushed only after a dog was deceased, including when the following exchange occurred:

- Austin: *...you're denying killing these dogs, while they were alive, with a hammer?*
 Rice: *Definitely. Me and my daughter, Ashley Rice.*
 Austin: *Yeah.*
 Rice: *Yeah, I deny that either of us ever killed a dog.*²⁹

Credibility of Mr Rice

90. In determining this matter, I have engaged in great detail with the evidence given by Mr Rice. Mr Rice's evidence was given across a number of days and included:

- an interview with Commission Inspectors on 11 February 2022;
- an interview with a Commission Inspector on 22 March 2023; and
- his verbal evidence at the hearing conducted on 11 September 2023.

Big Prince

91. On 11 February 2022, Mr Rice told Inspectors that he could not recall the death of *Big Prince* but stated that he “*certainly didn't kill it*”.³⁰ He also stated that he could not recall the burial of *Big Prince* but curiously, when asked how it came to be underneath the concrete slab, Mr Rice stated “*it would have been by me*”.³¹

²⁸ Interview of Mr Trevor Rice, 11 February 2022 at page 11, line 18 to page 12, line 5.

²⁹ Ibid, page 33, lines 15 to 19.

³⁰ Ibid, page 5, line 11.

³¹ Ibid, page 5, line 8.

92. In contrast, when asked on 22 March 2023 how *Big Prince* came to be buried underneath the concrete slab, Mr Rice answered “I do not know”.³² When asked why *Big Prince* was buried under the concrete slab instead of what Rice has said was his usual practice, being burying dogs in the ground, the following exchange occurred:

Manager of Integrity ...how do you normally bury dogs on your premises?
Ms Palmer:
Rice: *In the ground*
Palmer: *Okay. So is there anything that you can recall in your memory why you would have done this differently?*
Rice: *No. So you're saying I did it?*
Palmer: *Well, no, sir. You said you did it.*
Rice: *I said what? I put the dog under the slab? I don't remember saying ---*³³

93. Ms Palmer then took Mr Rice to the answers he provided on 11 February 2022 to Inspectors in respect of *Big Prince* where Mr Rice told Inspectors that “it would have been [him]” that buried *Big Prince* under the concrete slab. In response to Ms Palmer’s query at his change in his evidence, Mr Rice responded “I don’t recall it being under a slab.”³⁴
94. At the September 2023 hearing Mr Rice was asked about the death of *Big Prince*. His evidence at the hearing varied again from his evidence of 11 February 2022 and 22 March 2023. At the September 2023 hearing, Mr Rice gave evidence that *Big Prince* was killed, but that the greyhound was killed by someone other than himself. Mr Rice gave evidence that he believed that his daughter, Ashley, had killed and buried *Big Prince*.

Double Take

95. When questioned on 11 February 2022, Mr Rice stated he thought that *Double Take* had gone to the GAP facility in Queensland, and that he could not recall the greyhound’s death or burial.
96. When asked on 22 March 2023 about the greyhound *Double Take*, the following exchange occurred:

Palmer: *So to the best of your recollection, can you tell me how did Double Take end up in the garden bed?*
Rice: *I don't recall her. I don't recall anything about her coming back from [redacted].*
Palmer: *Okay. Do you recall how she ended up in the garden bed?*
Rice: *No. I don't.*
Palmer: *Now, in relation to Double Take, so do you recall her dying?*
Rice: *No.*

³² Interview of Mr Trevor Rice, 22 March 2023 at page 9, line 159.

³³ Ibid, page 10, lines 188 to 193.

³⁴ Ibid, page 11, line 195.

Palmer: *Do you recall anything about where she was – well, okay. She's under your trainership and then suddenly she's not there anymore?*

Rice: *Yeah.*³⁵

97. At the September 2023 hearing, Mr Rice maintained that he did not recall the death of the greyhound. Mr Rice gave evidence that he recalled at one point becoming aware that *Double Take* was no longer at the Leeville Property, but he was unable to recall the date that he had this realisation. Mr Rice also gave evidence that he did not know who killed *Double Take* but believed Ashley to be responsible.

Itchy McCaw

98. When asked by Commission Inspectors on 11 February 2022 about *Itchy McCaw* and the fact that this greyhound had been reported deceased to the Commission, Mr Rice stated “*I don't overly recall that...*”³⁶

99. When interviewed by Ms Palmer on 22 March 2023 about *Itchy McCaw*, the following exchange occurred:

Palmer: *...the next dog I want to talk to you about is a dog that was named Itchy McCaw. What do you remember about that dog?...*

Rice: *He was a very big black dog.*

Palmer: *Okay.*

....

Rice: *I would swear to anybody that the dog, we found him dead in the kennel with the twisted bowel... if somebody said “What happened to Itchy?” I would have said, “Three years ago, four years ago, five years ago, we found him dead in the kennel.”*

Palmer: *Okay*

Rice: *That was obviously wrong. It must have been a different dog...because they told me they dug him up in the hole.*³⁷

100. Ms Palmer asked Mr Rice if he had any independent recollection of how *Itchy McCaw* was disposed of, and Mr Rice answered that he did not.

101. At the September 2023 hearing, Mr Rice gave evidence that “*I thought we found him dead in the kennel, but it was obviously a different dog that I've had mixed up.*”³⁸ Mr Rice gave further evidence that he could not recall *Itchy McCaw's* death and had no recollection of noticing that the greyhound was no longer at the Leeville Property. Mr Rice gave the following evidence:

Summerson-Hingston: *So do you have – do you recall ever thinking, “Oh, I wonder what happened to Itchy McCaw, I haven't seen him in a while”?*

³⁵ Interview of Mr Trevor Rice, 22 March 2023 at page 12, line 230 to page 13, line 238.

³⁶ Interview of Mr Trevor Rice, 11 February 2022 at page 14, line 9.

³⁷ Interview of Mr Trevor Rice, 22 March 2023 at page 26, line 493 to page 28, line 534.

³⁸ Transcript of 11 September 2023 hearing at page 57, lines 41 to 42.

Rice: *Obviously, I knew that it disappeared overnight and what happened.*

Summerson-Hingston: *Right. So you---*

Rice: *But I didn't---*

Summerson-Hingston: *You hadn't---*

Rice: *I didn't give my permission to do it. I wasn't involved in it.*

Summerson-Hingston: *You have a suspicion as to what happened?*

Rice: *Yes*

Summerson-Hingston: *Okay. So you were never – just to clarify – with the two I've already asked you about, Big Prince and Double Take and Itchy McCaw, you were never thinking, "Oh, the greyhounds might have been moved on and I just didn't notice"? You always thought "these greyhounds have been killed"?*

Rice: *Yeah, I guess so.*³⁹

102. When asked why he didn't report to anyone his belief that his daughter was killing greyhounds, Mr Rice gave the following evidence:

Summerson-Hingston: *Why didn't you report it if you thought your daughter was killing greyhounds?*

Rice: *I'm protecting my daughter.*⁴⁰

...

Summerson-Hingston: *Why did you continue to let Ashley assist you with the greyhounds if you thought she was killing greyhounds?*

Rice: *I told you, she had mental---*

Summerson-Hingston: *Uh-huh.*

Rice: *Mental problems. Scared of her.*

Summerson-Hingston: *You were scared of her?*

Rice: *Yep. You don't want bad things to happen to your kids.*⁴¹

Diva's Dream

103. When asked on 11 February 2022 if he had been training *Diva's Dream* to race, Mr Rice answered "*No, I think they come up here to breed...*".⁴²

104. In contradiction to this evidence, Mr Rice gave the following evidence when questioned by Ms Palmer on 22 March 2023:

Palmer: *Do you know, was she brought up for breeding, racing or something else?*

Rice: *Certainly not breeding. I've never heard of her.*⁴³

³⁹ Transcript of 11 September 2023 hearing at page 59, lines 13 to 38.

⁴⁰ Ibid, page 50, lines 8 to 11.

⁴¹ Ibid, page 50, lines 33 to 44.

⁴² Interview of Mr Trevor Rice, 11 February 2022 at page 13, line 8.

⁴³ Interview of Mr Trevor Rice, 22 March 2023 at page 33, lines 630 to 631.

105. The owner of *Diva's Dream* advised the Commission that *Diva's Dream* was a "giveaway" to Mr Rice on the basis that the greyhound's racing career was over. When asked about this, Mr Rice stated, "*I certainly wouldn't think I would take a dog like that.*"⁴⁴
106. On 11 February 2022, Mr Rice's evidence was that he thought that *Diva's Dream* had died of a snake bite. When asked if he notified the owner of the greyhound that it had died, he stated "*I presume I did.*"⁴⁵
107. However, when interviewed by the Commission, the owner of *Diva's Dream* advised that she was not aware that her greyhound had died. Mr Rice had also failed to report the greyhound's death to the Commission.
108. At the September 2023 hearing, Mr Rice stated he had no recollection of *Diva's Dream* and didn't know how the greyhound ended up in his name, noting that "*I can't recall the dog...but it's dead there and in the garden, so I don't deny that it was there.*"⁴⁶
109. Mr Rice's evidence was he had no recollection of *Diva's Dream* ever being at his property, nor any recollection of the death of the greyhound. He gave evidence that he believed that Ashley was responsible for killing and burying *Diva's Dream*.

Conclusions on Mr Rice's Credibility

110. When asked on 11 February 2022, Mr Rice denied killing any of the four greyhounds exhumed at the Leeville Property but said that he and his daughter Ashley had buried the greyhounds following their deaths.
111. Mr Rice also explained to Commission Inspectors in February 2022 that it was his usual practice to use a hammer to 'crack the skull' of a deceased greyhound prior to burying it, in order to speed up the decomposition process. The following exchange occurred during his interview with Commission Inspector Austin:

Austin: *...but you are saying that the dogs that had trauma to the head, the reason they've got the trauma is because – so the bodies break down. So you're not denying that that could have happened?*

Rice: *No, I'm saying that did happen.*

Austin: *You – you – you're saying you did do it for that reason.*

Rice: *Yeah.*⁴⁷

112. When interviewed in March 2023, Mr Rice told Ms Palmer that he had previously seen other people use a hammer, sledge hammer or axe to break the skull of a deceased animal in an attempt to expedite the decomposition of their bodies. In contrast to his February 2022 evidence, he stated:

Palmer: *...and how would you do that? What would you use?*

Rice: *The times that I have done it with a dead animal ---*

⁴⁴ Interview of Mr Trevor Rice, 22 March 2023 at page 34, line 663.

⁴⁵ Interview of Mr Trevor Rice, 11 February 2022 at page 13, line 12.

⁴⁶ Transcript of 11 September 2023 hearing at page 62, lines 14 to 18.

⁴⁷ Interview of Mr Trevor Rice, 11 February 2022 at page 34, lines 1 to 4.

Palmer: *How would you do that?*

Rice: *I haven't done it.*

Palmer: *Sorry?*

Rice: *I haven't done it. You do it with a hammer. Like I said, they do it with a hammer and sledgehammer and axe.*

Palmer: *Okay. So, sorry. Now I'm the one that's confused. So let's just take a step back. So before you said to me that you didn't always do it, but you have done it, and then I asked you how you did that and you said you haven't done it?*

Rice: *Well, I have done it before, yes. On the property down there, many years ago.*

Palmer: *Okay. So when you said that you have done it---*

Rice: *I have done it. Yes*

Palmer: *---down there, are you talking about the property at [Leeville], or are you talking about a different property?*

Rice: *Sydney, years and years ago when I was much younger.⁴⁸*

...

Palmer: *Okay. So you're saying to me that the property at...Leeville, you've never hit an animal with a hammer in the head?*

Rice: *Not that I recall.*

Palmer: *Okay.⁴⁹*

...

Palmer: *Okay. Whether it be dead or alive, did you ever hit that animal in the head with a hammer?*

Rice: *No. Me, myself, no.⁵⁰*

113. At the September 2023 hearing, Mr Rice's evidence varied considerably to the above. The following exchanges occurred:

Summerson-Hingston *Mr Rice, do you recall in your interview with Inspector Austin that you said to him it was a common thing that you'd "crack their skulls and stuff so they break down quicker. I was always told that"?*

Rice: *I told you, our neighbour used to do that with everything.*

Summerson-Hingston *Yeah. Was it your practice that if a greyhound died on the property, that that's what you would do?*

Rice: *I have done it before.*

Summerson-Hingston *At the Leeville property?*

Rice: *I'm not sure. At the other – especially at the other one.*

Summerson-Hingston *The other one being the Sydney property?*

Rice: *Wedderburn.⁵¹*

⁴⁸ Interview of Mr Trevor Rice, 22 March 2023 at page 51, line 999 to page 52, line 1013.

⁴⁹ Ibid, page 52, lines 1016 to 1018.

⁵⁰ Ibid, page 53, lines 1040 to 1041.

⁵¹ Transcript of 11 September 2023 hearing at page 66, lines 26 to 44.

114. However, when asked whether he had ever used an object or a hammer specifically on the skull of a greyhound, Mr Rice's response again conflicted with earlier evidence, stating, "*Not that I can remember in the 40 years that I've had dogs*".⁵²
115. In the course of this disciplinary process Mr Rice has given conflicting statements on a number of occasions and in respect of various matters. Where he has recalled details, his answers have changed. On many occasions, Mr Rice repeatedly advised that he failed to recall with any specificity the circumstances surrounding the death and burial of the greyhounds found at the Leeville Property.
116. Where other greyhound racing industry participants have been involved, such as the owners of *Diva's Dream* and *When Dell*, Mr Rice's evidence was inconsistent with the accounts given to the Commission by these other parties.
117. For a registered trainer entrusted with the care and custody of greyhounds to have simply no recollection of the death or burial of a number of greyhounds in his care strains credulity. Mr Rice's consistent explanation of his inability to recall any details pertaining to his greyhounds is simply that all his paperwork was destroyed. I do not accept this submission.
118. Mr Rice, even when engaged and working within the industry, routinely failed to submit the appropriate paperwork to the Commission, and he has made admissions that he was, in his words "*terrible at paperwork*". For Mr Rice to suggest that if he had access to his paperwork, he would be able to recall the relevant details, is implausible and not an explanation that I accept.
119. In my view, the most likely explanation for Mr Rice's failure to recall the details of the deaths and burials of these greyhounds is most likely an attempt by him to conceal what happened to these greyhounds in their final days.
120. On countless occasions, the answers Mr Rice provided to specific questions from Commission staff during his interviews and the hearing were vague and evasive. In my view, it was apparent that he often avoided providing direct answers to questions by making non-descript statements or ambiguous comments which included responses such as:
- "*I couldn't tell you accurately.*"
 - "*I've only heard it.*"
 - "*It would have been years.*"
 - "*At some part in my life*"
 - "*Everything I am telling you is going to be a guess.*"
 - "*I don't know. There's 100 different answers.*"
 - "*I haven't got one specific answer to give you.*"
 - "*I can't give you an answer to that.*"
 - "*I can't give you the documents to say yes.*"
 - "*I can only guess.*"

⁵² Transcript of 11 September 2023 hearing at page 69, lines 19 and 20.

121. Perhaps though the most telling response was when Ms Palmer asked Mr Rice a question that most would consider to be common knowledge:

Palmer: *And contained within the skull is the brain. Yep?*

Rice: *I don't know.*⁵³

...

Palmer: *What is your understanding of what's contained in the skull?*

Rice: *Never really thought of it...*⁵⁴

...

Palmer: *If your brain is not in your skull, where else would it be?*

Rice: *I don't know. You're obviously a lot more educated than me.*⁵⁵

122. A further example of Mr Rice's evasiveness occurred during the September 2023 hearing. When referring to the colour of his car at the time of the offences, Mr Rice disputed the evidence of Ashley, who had described Mr Rice's car as being white in colour, instead declaring "*She got the colour of the car wrong*" before going on to state that the car was actually "*vanilla cream*".⁵⁶

123. Based on my review of the evidence in its entirety, I do not consider Mr Rice to be a credible witness.

Finding as to Guilt – Group Three – Welfare Offences

124. I am satisfied of the following:

- i. The greyhounds *Big Prince*, *Double Take*, *Itchy McCaw* and *Diva's Dream* were killed.
- ii. Based on the evidence of Ashley, Donlon and Mr Rice himself, that the greyhounds *Big Prince*, *Double Take*, *Itchy McCaw* and *Diva's Dream* were killed by a person or persons inflicting blunt force trauma to the head of each of the dogs.
- iii. The blunt force trauma inflicted by the perpetrator, to the craniums of the dogs, was occasioned by Mr Rice, who used a circular shaped blunt object, in all likelihood a hammer.
- iv. The greyhounds *Big Prince*, *Double Take*, *Itchy McCaw* and *Diva's Dream* were buried at the Leeville Property by Mr Rice.

125. I cannot think of a more serious offence which could be committed by a greyhound racing industry participant than the wilful and deliberate killing of an animal. This is especially so, in my view, where the death was occasioned by committing a cruel and brutal assault to the dogs, and one inflicted by hand.

126. Having regard to the seriousness of the allegation and the principles of the Briginshaw test, I am satisfied that on the balance of probabilities that the death of the greyhounds *Big Prince*, *Diva's Dream* and *Double Take* occurred at the hands of Mr Trevor Leonard Rice.

⁵³ Interview with Mr Trevor Rice, 22 March 2023 at page 49, lines 957 and 958.

⁵⁴ Ibid, page 49, lines 963 and 964.

⁵⁵ Ibid, page 49, line 973 to page 50, line 974.

⁵⁶ Transcript of 11 September 2023 hearing at page 56, lines 5 to 13.

DECISION ON PENALTY

Proposed Penalties

127. On 27 November 2023 I wrote to Mr Rice, advising him of my determination as to his guilt in respect of the above charges (**Notice**). In that Notice, I formally advised Mr Rice of the penalties that I proposed to impose in respect of the charges, which took into account the pleas of guilty he had made in respect of charges 1 to 9 and 18. The penalties I proposed were as follows:

Charges 1 to 9: Rule 86(o)	\$250 fine per charge;
Charges 10 to 13: Rule 86(x)	Four (4)-month disqualification per charge;
Charges 14 to 17: Rule 86(o)	Lifetime disqualification per charge; and
Charge 18: Rule 106(3)(b)	\$1,000.00 fine.

Mr Rice's Submission on Penalty

128. I invited Mr Rice to make written submissions in respect of the proposed penalties by 15 December 2023, and he did so. I have read and considered his submissions which stated, in summary:

- that GWIC had pre-determined his guilt within 3 days of the greyhounds being exhumed;
- that this disciplinary action was planned by Ashley, in an attempt to obtain ownership of the Leeville Property;
- that he was not provided with the opportunity to ask questions of two witnesses during the September 2023 hearing; and
- that he was surprised that he had been found guilty of all of the charges against him.

129. I do not accept Mr Rice's submission that he was not provided with the opportunity to ask questions of two witnesses during the September 2023 hearing. At the hearing, the following exchanges occurred in respect of the two witnesses:

Summerson-Hingston: *In terms of our next witness, I might call Ms Rice. She's on a ---*

Rice: *I have nothing to say to her. If she's here for me, I never asked for her.*⁵⁷

...

Summerson-Hingston: *...did you still wish to call and ask Mr [redacted] and Ms [redacted]?*

Rice: *Well, everything I was going to ask Ms [redacted], whatever her name was.*

Summerson-Hingston: *Yes, [redacted].*

Rice: *It's perfectly written there....*⁵⁸

...

⁵⁷ Transcript of 11 September 2023 hearing, page 28, lines 16 to 20.

⁵⁸ Ibid, page 28, lines 37 to 44.

Summerson-Hingston: *So you don't need to call [redacted] for that?*

Rice: *I don't think so. Well, I'm only going to ask her what's on those text messages that are in front of us.*⁵⁹

130. Mr Rice was quite clear at the hearing that he did not wish to speak with Ashley, and that he did not require the other witness, as he had a copy of the text messages between himself and the witness.

131. Mr Rice also provided a letter of support from his partner, Ms King, and from three other greyhound racing industry participants. In her letter, Ms King stated:

- that Ashley had told Ms King what she has done, and that other people know as well; and
- that she has concerns about Mr Rice's mental health, particularly if Mr Rice is not permitted to reside at Ms King's property.

132. The letters of support from the other three participants stated, in summary:

- that they have found Mr Rice to be trustworthy and willing to assist them in any way;
- that Mr Rice is a meek, gentle man who is not a fighter;
- that they have never seen Mr Rice be cruel or unkind to any animal or person;
- that they believe he is not guilty of the offences, but instead the allegations against Mr Rice are based on rumours, lies and jealousy and motivated by an intent to destroy his career in greyhound racing; and
- that Mr Rice is a good man.

Penalty Determination

133. In considering the appropriate penalties for these offences, Mr Rice's submission of December 2023 and the letters of support provided at the same time do not, in my view, carry any weight in mitigating the penalties I proposed in November 2023.

134. Accordingly, I have determined to impose the following penalties:

Charges 1 to 9: Rule 86(o)	\$250 fine per charge;
Charges 10 to 13: Rule 86(x)	Four (4)-month disqualification per charge;
Charges 14 to 17: Rule 86(o)	Lifetime disqualification per charge; and
Charge 18: Rule 106(3)(b)	\$1,000.00 fine.

135. In imposing the above penalties, I have determined that:

- The penalties imposed for Group One (Charges 1 to 9 and 18) to be cumulative, being fines totalling \$3,250.00;
- The penalties imposed for Group Two (Charges 10 to 13) are to be served concurrently, totalling a four (4) month disqualification;

⁵⁹ Transcript of 11 September 2023 hearing, page 31, lines 5 to 8.

- The penalties imposed for Group Three (Charges 14 to 17) are to be served concurrently, totalling a lifetime disqualification; and
- The periods of disqualification for Group Two and Group Three be served concurrently.

136. The impact of these penalties are such that Mr Rice will never again be able to hold a registration within the greyhound racing industry.

137. In taking this disciplinary action, I have considered all evidence and submissions before me, including:

- The Commission’s objectives pursuant to the Greyhound Racing Act, being to:
 - Promote and protect the welfare of greyhounds;
 - Safeguard the integrity of greyhound racing and betting; and,
 - Maintain public confidence in the greyhound racing industry;
- The objective seriousness of the conduct, particularly in respect of the deaths of *Big Prince*, *Double Take*, *Itchy McCaw* and *Diva’s Dream*;
- The pleas entered by Mr Rice;
- The submissions made by Mr Rice in respect of the matter;
- Mr Rice’s involvement in this disciplinary matter, with particular regard to his credibility as a witness and his evasiveness when questioned on a number of occasions by Commission staff;
- The subjective factors raised by Mr Rice, in particular in respect of his personal circumstances;
- The need for general and specific deterrence;
- The length of time that Mr Rice has been registered, being a period of approximately forty (40) years; and
- Mr Rice’s disciplinary history, which includes a previous offence relating to a failure to provide veterinary attention to a greyhound in his care.

138. I note that Mr Rice has been subject to an interim disqualification since 11 February 2022. During that time, the Commission granted Mr Rice an exemption to reside at the premises of Ms King, Mr Rice’s partner and a greyhound racing industry participant. That exemption has been revoked.

139. It should also be noted that under Rule 156(x) of the Greyhound Racing Rules, it is an offence for any registered person to associate with a disqualified person for the purposes of greyhound racing.

.....End.....