

DECISION



INQUIRY NUMBER:	18S024
PERSON:	Mr John Horan (Participant)
REGISTRATION:	Trainer
GRNSW INQUIRY PANEL MEMBER(S):	Grant Carroll Tammy Cootes
DATE OF DECISION:	19 July 2018

CHARGE

1. On 2 May 2018 the GRNSW Inquiry Panel (**Inquiry Panel**) issued the following two charges against the Participant:

Charge one: That you, John Horan, failed to provide veterinary attention when necessary to a greyhound in your care or custody on or around 18 February 2018 (Rule 106(1)(d)).

Charge two: That you, John Horan, failed to exercise such reasonable care and supervision as was necessary to prevent a greyhound in your care or custody on 18 and 19 February 2018 from being subjected to unnecessary pain or suffering (Rule 106(2)).

PLEA

2. The Participant denied both charges.

FINDINGS

3. The Inquiry Panel finds that:
 - (a) At the relevant time, 18 February 2018, the Participant was the registered owner and trainer of the greyhound "Its Her Shout" (**Greyhound**).
 - (b) On 18 February 2018 the Greyhound competed in and won race 4 at the Mudgee Greyhound meeting (**Event**). Bradley O'Neil assisted the Participant at the race meeting by handling his greyhounds (**Handler**).
 - (c) At the time of loading the greyhound into the trailer following the Event, the Participant and the Handler observed that the Greyhound was bloated and "puffed up" around the Greyhound's rib cage. As a result, the Participant determined that the Greyhound should be returned to the kennel area and examined by the On Track Veterinarian, Dr Fiona Pinder.
 - (d) Dr Pinder examined the Greyhound and advised the Handler that the Greyhound required immediate emergency veterinary diagnosis and attention at a veterinary surgery. Dr Pinder arranged for the Mudgee Veterinary Hospital (**MVH**) to examine the Greyhound. Dr Pinder explained to the Handler that the matter was urgent with the Greyhound requiring anaesthetic and its stomach tubed or the dog was at risk of dying.

- (e) The Steward, Mr Troy Cameron, directed the Participant to attend the MVH with the Greyhound on the advice of Dr Pinder.
- (f) The Participant took the Greyhound to the MVH as directed and the Greyhound was examined by Dr Lisa Kennedy (the veterinarian on call for emergency consultations). Dr Kennedy:
 - (i) Diagnosed the Greyhound as being at risk of the serious and life threatening condition "gastric dilation and/or volvulus".
 - (ii) Strongly recommended that the Greyhound undergo an abdominal radiograph to confirm the diagnosis with possible emergency surgery to follow.
 - (iii) Discussed the cost of the recommended treatment with the Participant and the Participant informed Dr Kennedy that he did not have the financial means to pay for the recommended treatment.
- (g) There is conflicting evidence about what occurred once it was established that the Participant did not have the financial means to pay for the recommended treatment. The Inquiry Panel's findings in relation to this are detailed below.
- (h) Ultimately, the Participant:
 - (i) Declined veterinary treatment for the Greyhound.
 - (ii) Transported the Greyhound back to its Wellington kennel, which is approximately a 90 minute drive.
 - (iii) Provided care to the Greyhound by placing the Greyhound in the laundry area with access to the yard and monitoring the Greyhound's condition. The Participant provided the pain relief to the greyhound supplied by the MVH.
 - (iv) Researched the Greyhound's condition including conducting internet searches and discussing the Greyhound's condition with a number of trainers who had prior experience with similar symptoms.
- (i) Between 2am and 6am on 19 February 2018, the Greyhound died at the Participant's Wellington home. An autopsy of the Greyhound by the Wellington Veterinary Hospital revealed the cause of death to be consistent with "gastric and splenic torsion".

Need for immediate veterinary treatment

4. The Participant provided evidence to the Inquiry Panel that following the discussions about the cost of the recommended treatment:
 - (a) The Participant asked Dr Kennedy on a number of occasions if there was any alternative treatment that could be provided to the Greyhound given he could not afford the recommended treatment. This included asking if euthanasia was the best option for the Greyhound.
 - (b) Dr Kennedy did not provide any alternative treatment options and did not discuss euthanasia apart from stating that she was there for the welfare of the greyhound.
 - (c) As a result, the Participant did not understand that the Greyhound's condition was life threatening and he determined to take the Greyhound home with the intention of seeing if the Greyhound's condition improved overnight. If the Greyhound's condition did not improve, the Participant intended to take the Greyhound to his own veterinarian the following day.
 - (d) If the Participant had understood that the Greyhound's condition was life threatening, he would have sought the euthanasia of the Greyhound by Dr Kennedy.
5. The Participant's evidence was supported by the evidence of the Handler who was in attendance with the Participant at the MVH.

6. However, some significance portions of the Participant's evidence are in direct contrast to the evidence of Dr Kennedy. Dr Kennedy provided evidence to the Inquiry Panel that she advised the Participant that:
 - (a) The situation was severe and the Greyhound required immediate diagnosis and treatment.
 - (b) The Greyhound, if not diagnosed and treated, was likely to suffer from serious and painful, life-threatening conditions.
 - (c) If the Participant could not afford the immediate diagnosis and treatment, she recommended that the Greyhound be euthanised on humane grounds (with the euthanasia being free of charge).
7. The Inquiry Panel notes that the need for immediate veterinary attention should also have been evident to the Participant from the actions of Dr Pinder and his conversation with Steward Troy Cameron while at the Event.
8. After weighing up the conflicting evidence, the Inquiry Panel finds that:
 - (a) The greyhound required immediate veterinary treatment (including the treatment option of euthanasia on humane grounds) as detailed in the evidence of Dr Kennedy; and
 - (b) The Participant was aware (or should reasonably have been aware) that the Greyhound required immediate veterinary treatment.
9. As a result, the Inquiry Panel is comfortably satisfied that the Participant has breached Rule 106(1)(d) by failing to provide veterinary attention to the Greyhound when necessary.

Pain and suffering

10. The Inquiry Panel accepts the findings of Dr Stephen Karamatic (expert veterinarian witness) in relation to the pain and suffering experienced by the Greyhound, with the level of pain and suffering reaching a severe level in at least the hour prior to its death.
11. The Inquiry Panel finds that this pain and suffering was unnecessary from the time the Participant departed the MVH until the time of the Greyhound's death.
12. As a result, the Inquiry Panel is comfortably satisfied that the Participant has breached Rule 106(2) by failing to exercise such reasonable care and supervision as was necessary to prevent the Greyhound in his care and custody from being subjected to unnecessary pain or suffering.

PENALTY

13. The Inquiry Panel considers that the circumstances of these offences are of a very serious nature because the standard of care provided to a greyhound fell well short of what is expected of greyhound racing participants.
14. The Inquiry Panel is of the view that it must impose a penalty that sends a clear and unequivocal message to ensure that:
 - (a) the Participant and likeminded persons understand that complying with the Rules in relation to the welfare and care of registered or licensed greyhounds is a core requirement of participating in the greyhound racing industry;
 - (b) other participants will be encouraged to obtain veterinarian care and to ensure that their greyhounds are free from unnecessary pain and suffering; and
 - (c) GRNSW protects and upholds the welfare of and care for greyhounds, which is a fundamental obligation of greyhound racing industry participants and an important matter for GRNSW.

15. In relation to the subjective factors of this inquiry, the Inquiry Panel considers:
 - (a) The Participant's licence history, having been licensed with GRNSW as an owner trainer since 1990 (with a three year unlicensed period in that time), with no prior breaches of the Rules that impact on penalty.
 - (b) The Participant's remorse and regret for his actions including his submissions that the Greyhound was considered a family pet and his intent was to take the Greyhound home to give it a chance to recover and stay as a family pet. However, he would have sought the euthanasia of the Greyhound if he had properly understood the situation and that euthanasia was the best option for the Greyhound.
 - (c) The Participant's submissions about his personal and financial circumstances which are not repeated here for privacy reasons.

16. Having regard to the totality of the facts, the Inquiry Panel determines that the following penalties are appropriate in the circumstances:
 - (a) Charge one: a period of disqualification of six years.
 - (b) Charge two: a period of disqualification of six years.

17. The Inquiry Panel determines that:
 - (a) The penalties are to be served concurrently because the Charges involve the same circumstances.
 - (b) The penalties are to have commenced on 27 February 2018, being the date that an interim suspension was placed on the Participant's licence.

18. As a result of the disqualification (among other things):
 - (a) all licences and registrations of the Participant are cancelled by GRNSW;
 - (b) the Participant is not permitted to conduct any business affecting the registration of greyhounds or participants with GRNSW during the period of disqualification;
 - (c) the Participant is not entitled to hold any registration, licence, certificate or permit issued by GRNSW during the period of disqualification;
 - (d) the Participant must not enter a racecourse or place under the control of any greyhound racing club during the period of disqualification; and
 - (e) the Participant must not enter a place where greyhound are trained, kept or raced during the period of disqualification.

Grant Carroll
Chief Steward
GRNSW Inquiry Panel

Tammy Cootes
Manager Integrity and Inquiries
GRNSW Inquiry Panel