

GREYHOUND WELFARE & INTEGRITY COMMISSION

DISCIPLINARY ACTION DECISION

Date of decision:	14 October 2021
Decision-makers:	Chief Commissioner, Alan Brown & Commissioner, Peter Collins
Name of relevant person:	Miss Holly Speed
Date:	8 September 2020
Rule no.:	Rule 86B(1)(b); Rule 86B(1)(a) x 2
Charge(s):	(1) Miss Speed had in her possession two rabbit carcasses at her registered kennel address; (2) Miss Speed used a rabbit carcass (Rabbit One) as a lure to entice or excite a greyhound to pursue it. (3) Miss Speed used a rabbit carcass (Rabbit Two) as a lure to entice or excite a greyhound to pursue it.
Disciplinary action taken:	Penalties to be served concurrently: Charge 1: 10 years disqualification; Charge 3: 10 years disqualification.

DECISION:

1. Miss Speed, at the material time being 8 September 2020, was a registered Public Trainer.
2. On 8 September 2020, Commission Inspectors attended at Miss Speed's registered address to conduct an inspection of the registered kennels.
3. During the inspection, Inspectors discovered two (2) whole rabbit carcasses, found in a fridge in the meal preparation area of the kennels. The rabbits were surrendered to the Inspectors.
4. The surrendered rabbits were examined by Dr Lydia Tong of the Taronga Wildlife Hospital who undertook a veterinary pathology examination of the rabbits.

5. The Commission charged Miss Speed with offences under Rule 86B(1)(a) and Rule 86B(1)(b) which read:

(1) A person who, in the opinion of the Stewards or Controlling Body-

- (a) uses in connection with greyhound training, education or preparation to race, or racing, any live animal, animal carcass or any part of an animal whether as bait, quarry or lure, or to entice, excite or encourage a greyhound to pursue it or otherwise; or
- (b) attempts to possess, or has possession of, or brings onto, any grounds, premises or within the boundaries of any property where greyhounds are, or are to be trained, kept or raced, any live animal, animal carcass or any part of an animal for the purpose of being, or which might reasonably be capable of being, or likely to be, used as bait, quarry or lure to entice or excite or encourage a greyhound pursue it;

...

shall be disqualified for a period of not less than 10 years...

6. Miss Speed pleaded not guilty to all charges, provided written submissions, and elected to have the disciplinary proceedings conducted in writing.
7. The Commission considered all the available material and found:
- a. Charge 1 (R86B(1)(a)) proven;
 - b. Charge 2 (R86B(1)(a)) not proven; and
 - c. Charge 3 (R 86B(1)(b)) proven.
8. In making the above findings, the Commission relied upon the expert evidence provided by Dr Tong, who confirmed that there was evidence that at least one of the rabbits had been used as a lure, with evidence of degloving of the skin on the forefeet of the rabbit and hyperextension of the leg at the time of, or post death, as a result of being held in a fixed position.
9. The Commission did not require Dr Tong, or any other veterinary pathologist, to undertake DNA analysis in relation to these charges. The expert report provided by Dr Tong details the degloving and extension of the leg of Rabbit Two was relied upon by the Commission as the basis for the determination that Rabbit Two had been used as a lure. Dr Tong's report read, in part:

[23] Specific findings from the limbs [of Rabbit Two] are indicative of a particular mechanism of injury. Degloving of near circumferential segments of carpal (wrist) skin on forefeet is an injury that occurs when a focally strong frictional force is applied to the skin. Presence of a fracture-dislocation at the same site on the right forefoot is further indication of a strong force in the area. It is highly probably that these injuries to the forefeet were sustained when a force with a small surface area was applied circumferentially around the foot (such as a tether), and a force (such pulling and/or tightening) was applied to that tether.

[24] Specific findings in the hind limbs were also atypical and not explained by a crush trauma event. The right hind limb was found to be stiffly held in a hyperextended position (stiff straightened leg behind the rabbit). This is highly unusual and suggests that either at

the time of death or after death, the leg was fixed or held in this position. The holding of a single leg in this manner prior to death due to a natural medical condition is highly unlikely. There was also a post-mortem skin and muscle laceration down the front of the tibia (shin) of this leg and a major post-mortem fracture of the right femur indicating some significant post-mortem trauma to this leg. The most likely cause for this fixed stiff hyperextension of the leg is that the leg was held in an extended position for a period of time after death.

[25] Based on my examination, expertise, and experience of pathology associated with lure use, I find that these above described limb injuries are highly consistent with those that may be sustained when a rabbit has been tethered by the foot and either dragged and/or suspended by that tether (such as may occur with a rabbit is being used as a lure).

10. The Commission relied upon the expert opinion of Dr Tong to establish that Rabbit Two was used as a lure and determined that neither the presence of, nor absence of, any canine DNA was required to sustain Charge 3.

11. The Commission took the following disciplinary action against Miss Speed:

Charge 1 (R86B(1)(b)): To disqualify Miss Speed for a period of 10 years;

Charge 3 (R 86B(1)(a)): To disqualify Miss Speed for a period of 10 years,

with:

- the periods of disqualification to be served concurrently;
- for the period of time served under interim suspension to be taken into account as time served.

12. In taking this disciplinary action, the Commission considered all evidence, including:

- The objective seriousness of conduct being at the highest end of the spectrum of the offending behaviour captured by Rule 86B(1) relating to two complete rabbit carcasses found in the meal preparation area of Miss Speed's greyhound kennels, with evidence of one having been used as a lure;
- The lack of any special circumstances that would allow the imposition of a penalty any lower than the 10-year disqualification mandated by Rule 86B of the Rules;
- The length of time that Miss Speed has been a registered trainer within the greyhound industry, being approximately 7 years;
- Miss Speed's plea of not guilty to the charges;
- Miss Speed's lack of any prior disciplinary history;
- The period served under an interim suspension from 8 September 2020, to be taken into account as time served;
- Greyhound racing penalty guidelines and precedents for like matters.

13. The provisions of Rule 86B require a minimum penalty of disqualification for a period of not less than 10 years unless there is a finding that 'special circumstances' exist, whereupon a penalty less than the minimum can be imposed.
14. Miss Speed did not provide any grounds that could amount to the finding to 'special circumstances' in this matter.
15. The totality of the factors in mitigation did not give rise to a finding that special circumstances exist and therefore a penalty of 10 years mandatory minimum period should be imposed.

.....End.....