

Non Raceday Inquiry RIU v H R Bond - Decision dated 19 April 2021 - Chair, Hon J W Gendall QC

Rules:

Repondent(s)/Other parties:

Name(s):

Decisions:

BEFORE A JUDICIAL COMMITTEE OF THE JUDICIAL CONTROL AUTHORITY FOR RACING

IN THE MATTER of the NZ Rules of Greyhound Racing

BETWEEN THE RACING INTEGRITY UNIT

(Mr Scott Wallis, Chief Stipendiary Steward)

Informant

AND HENRY ROBERT BOND

Licensed Public Trainer

Respondent

Judicial Committee:

Hon JW Gendall QC (Chair)

Mr LN McCutcheon (Member)

DECISION OF JUDICIAL COMMITTEE DELIVERED ON THE PAPERS ON 19 APRIL 2021

1. Mr Bond is a Licensed Trainer. He was charged with a breach of Rule 75(1)(b) of the NZ Greyhound Association Rules of Racing in that he failed to apply to the Association to be registered as a Litter Master and whelped the "BIGTIME PADDY" and "ASHEN" litter when not holding the required Licence.

2. Rule 75.1 (b) provides that every *...Stud Master, Breeder, or Litter Master of a greyhound to be used for breeding pursuant to these Rules... shall apply to the Association to be registered.*

3. Mr Bond had not applied for, or held a registered Litter Master's Licence, at the time relevant to the proceeding. The agreed summary of facts stated that during a routine kennel inspection, he was questioned regarding a litter of puppies found to be on his property. It was established that this litter was by "BIGTIME PADDY" out of the bitch "ASHEN". Mr Bond admitted to the Steward that he had whelped the litter himself and that he was aware at the time he was not authorised to do so as he did not hold the required licence with GRNZ.

4. Whelping is the process of a female dog giving birth to puppies.

5. Mr Bond admitted the charge and he and the Informant agreed that the issue of penalty could be dealt with by the Committee on the papers without an oral face to face hearing being necessary.

6. The general penalty provisions for an offence under the Rules is contained in Rule 63.1. These include a fine not exceeding \$10,000, and/or suspension, and/or disqualification, and/or warning off. At the outset we make it clear that usually a fine only should follow in most cases unless there was some element of corruption associated with the breach or Rule 75.1 (b) and none clearly exists here.

7. We have now received and considered the respective submissions of the parties on the issue of penalty.

8. THE INFORMANT SUBMITTED

(a) The deterrent principle is very relevant so as to deter others from participating in a racing activity without a licence that the Rules require.

(b) There are no precedent cases for an identical breach, but we were referred to a case where a person drove in a harness trial when not holding a licence to do so, and where a fine of \$300 was imposed.

9. THE RESPONDENT SUBMITTED

(a) He accepted his error was in overlooking to apply for the required licence. He referred to extenuating personal circumstances which played some part in his forgetting to apply.

10. OUTCOME

We accept that there was no wilful or dishonest action on Mr Bond's part and the breach was unintended but arose out of forgetfulness. But it is very important that where an activity to be undertaken under the Rules requires that the person so acting has obtained, the required Licence to so act, it is crucial that the Licence be obtained. That is because the Applicant must satisfy the administering Authority that they are properly qualified and fit and proper to hold such a Licence, in this case designed to protect the greyhounds. That is especially the case here where the Licence Holder is to assist in the whelping of a bitch in giving birth, and Animal Welfare issues are predominant.

We consider a fine of \$250 is sufficient in this case giving the extenuating circumstance to which we were referred and the blameless record of Mr Bond.

There is no order as to costs.

Hon J W Gendall Q C (Chair)

Penalty: