

Investigation Report
Injury and Management of
Greyhound - Tah Bernard
23 November 2021

EXECUTIVE SUMMARY

Meeting community expectations regarding the appropriate treatment of racing animals before, during and after their racing days is critical in maintaining the ‘social licence’ for racing.

Allegations of animal cruelty involving racing participants are a critical risk to the industry and therefore must be investigated and dealt with appropriately and with transparency.

The Rules of Racing and provisions of the *Animal Welfare Act 1993* are clear, and racing participants are provided with guidance in relation to expectations when they receive their first licence and regularly throughout their involvement in the industry.

On 23 November 2021, an incident occurred at the Mowbray greyhound racing track, where an unraced greyhound, Tah Bernard, suffered an injury to its lower right foreleg. The event was a club trials event that was not attended by a veterinary surgeon – unlike formal race events.

The trainer of the greyhound took the animal to a nearby veterinary clinic for treatment. He subsequently left the clinic without receiving treatment – the reasons for this are considered in this report.

After leaving the first clinic, the trainer immediately sought veterinary treatment at several other veterinary clinics around Launceston but was unsuccessful. Following this, he took the greyhound home where he administered pain relieving medication to the greyhound. The medication was not specifically prescribed for this animal.

Later that evening, the trainer arranged for a local veterinary surgeon to assess the greyhound the following morning. The veterinary surgeon attended on the morning of 24 November 2021 and following the consultation, the greyhound was euthanised.

The incident and the management of the greyhound in the 12 hours post-injury is the subject of this investigation report.

Based on the information gathered, it was determined by RSPCA Tasmania and Biosecurity Tasmania that there was not sufficient evidence to warrant referring the matter to the Director of Public Prosecutions in respect to a breach of the *Animal Welfare Act 1993*.

An assessment of the facts was considered by the Stewards to determine if any of the circumstances warranted the issue of a charge under the Rules of Racing.

One matter was deemed to warrant a Steward’s Inquiry. This related to the administration of medication to the greyhound that was prescribed for another animal.

The Stewards Inquiry found that the trainer’s actions in administering medication that was not prescribed for the animal was strictly against the Rules of Racing. This could be considered a perverse outcome, considering that if the trainer had not done so, and in the absence of any other action, he could potentially have been the subject of charges under the *Animal Welfare Act 1993*. A penalty, appropriate in the view of the panel, has been applied for this offence.

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Incidents such as this cause damage to the reputation of greyhound racing and risk a decreased acceptance of greyhound racing within the community. It is therefore important to gain an appreciation of the points in the chronology where different circumstances may have improved the management of the injury.

There were several factors that led to this incident: the fact that there was no veterinary surgeon at the track during the trials which caused a need for the trainer to attend the public waiting area of the veterinary clinic – and the decision of the trainer to leave the veterinary clinic was the catalyst for this incident.

In interview, the trainer has provided an explanation for that decision.

He stated that he left to de-escalate a situation in the clinic. The trainer claimed that he felt an element of anxiety given the content of the discussions in the clinic where a person suggested that the dog should be surrendered.

Irrespective of the reason, the decision was in hindsight, a poor one given the circumstances that have now played out.

This report includes two recommendations:

- *That there must be a veterinary surgeon present at all race meetings and official greyhound club trial events or alternatively procured in a manner that provides for immediate on-track attendance in the event of an injury.*
- *That Tasracing and the Office of Racing Integrity review all local rules, animal welfare guidelines and associated documents related to euthanasia and treatment of injuries to ensure that they are clear, concise and non-contradictory – and that they clearly identify the roles and responsibilities of participants.*

I. INTRODUCTION

I.1 The Office of Racing Integrity

The Office of Racing Integrity (ORI) provides regulatory oversight and high-level direction to the racing industry through its delivery of integrity services. A major part of ORI's role is the delivery of contemporary animal welfare outcomes, consistent with community expectations, for each racing code.

The *Racing Regulation Act 2004* provides the Director of Racing (the Director) with, amongst other things, overall responsibility for regulating and controlling racing to ensure it is conducted with integrity in addition to providing advice to the Minister for Racing on relevant policy matters. The functions and powers of the Director are defined within the Act.

I.2 Regulation of Animal Welfare

Incidents where racing animals are injured represent a risk to the racing industry. It is crucial that they are appropriately managed. There are requirements which dictate the standard of care of animals involved in the racing industry. In instances where there are allegations of improper actions by licensed racing participants, the confidence of the community in respect of the racing industry can be eroded.

It is for this reason that there are provisions within both the Rules of Racing and within legislation to deal with incidents where an investigation determines that there is a case to answer.

The *Animal Welfare Act 1993* section 8 outlaws cruelty to animals:

'A person must not do any act, or omit to do any duty, which causes or is likely to cause unreasonable and unjustifiable pain or suffering to an animal.'

Substantial penalties exist in instances where a person has been found guilty of such breaches. For a natural person, a fine not exceeding 100 penalty units (currently \$17,300) or a term of imprisonment not exceeding 12 months. In the instance of a body corporate, a fine not exceeding 500 penalty units (currently \$86,500).

The *Animal Welfare Act 1993* section 9 also provides for the offence of aggravated cruelty to animals, which holds more significant penalties.

There are various provisions within the Rules of Racing across the three codes of racing (greyhound, harness and thoroughbred) which regulate the appropriate standard of care for animals. These are regulated by the stewards in accordance with the rules.

I.3 Investigation and Procedural Fairness

The Administrative Guidelines as per Section 5 of Schedule 3 of the DPIPWE (now NRE Tas) and RSPCA Tasmania Service Agreement define how matters related to animal welfare in respect of registered racing animals are to be dealt with. Index 4.2, 4.8 and 4.9 of those Administrative Guidelines state:

4.2 Standardbred and Thoroughbred horses, and greyhounds registered for racing are not regarded as livestock. Such animals are under the control of the Office of Racing Integrity (ORI) and are subject to the Rules of Racing and supervision of ORI Stewards. Any investigations under the Animal Welfare Act 1993 relating to animals involved in racing will be undertaken by the RSPCA Inspectorate. ORI may also take separate action under the Rules of Racing.

4.8 The Director of Racing is the principle (sic) point of contact regarding animal welfare matters in relation registered horses and greyhounds. Where ORI Stewards during an investigation determine that there may be a breach of requirements under the Animal Welfare Act 1993, the matter will be reported to RSPCA. The communications channel on such matters will be between the Director of Racing (or their nominee) and the Inspectorate Manager, RSPCA.

4.9 Any investigation conducted by either DPIPWE or RSPCA Animal Welfare Officers in relation to animals involved in thoroughbred, harness and greyhound racing will not prevent ORI Stewards from conducting their own inquiries into animal welfare/cruelty matters involving persons licensed or registered under the Rules of Racing, and imposing penalties under those Rules.

In this instance, an investigation was undertaken by stewards of ORI following consultation between the Director of Racing and the Chief Executive Officer of the RSPCA Tasmania. It has been conducted with the principles of natural justice as a paramount consideration.

The investigation sought to:

- Identify all circumstances relating to the injury, treatment and subsequent euthanasia of the greyhound, Tah Bernard;
- Identify any shortcomings in the treatment and standard of care of the greyhound – and if necessary, refer those to any other appropriate body;
- Identify any opportunities to improve processes and ensure that animals are treated with care and dignity.

The investigation identified the facts of what occurred, and because of that a number of aspects were referred to a panel of stewards to determine whether charges under the Rules of Racing were warranted.

Additionally, the circumstances were referred to both the RSPCA and Biosecurity Tasmania to consider in respect of compliance with the *Animal Welfare Act 1993*.

On 4 March 2022, a draft redacted copy of the relevant parts of the report was provided to the persons involved in the investigation and those persons were invited to make a submission.

Feedback was received from a number of persons involved and their feedback has been taken into account in the finalisation of this report.

1.4 Public Reporting

The incident and the allegations made have been the subject of commentary which has resulted in a significant amount of untested information being placed in the public arena through social and other media.

It is important to ensure that the facts of what has occurred in this incident are transparently articulated to the community.

Accordingly, the Director has determined that it is in the public interest to report on the outcome of this matter and has made it clear from the outset that this report would be made publicly available.

2. BACKGROUND

2.1 Initial information received

On 24 November 2021, ORI and Tasracing received telephone calls which raised concerns in relation to the standard of care undertaken by a greyhound trainer, Mr Anthony Bullock in respect of a named greyhound, identified later as Tah Bernard.

A similar report was also received on the same day by the RSPCA.

Notes taken from the telephone calls reflect that the caller said that:

- Mr Bullock appeared angry that the regular vet was not on shift and that the vet on duty took too long to see the dog;
- Mr Bullock was not happy to pay an after-hours fee to euthanise the dog;
- Mr Bullock exited the clinic, dragging the dog behind him on its hind legs in a rushed and rough manner;
- Shortly after Mr Bullock left, they heard squealing;
- Mr Bullock left the vet clinic without the greyhound receiving any treatment.

- Mr Bullock was seen by the vet staff to have thrown the dog into the vehicle, at which point the dog screamed; and
- They believed that the dog had no pain relief and was left to suffer overnight.

2.2 Complainant's Account

The complaint on which the investigation was based was made by 'the Complainant'. The Complainant made a statutory declaration on 8 December 2021 in which the following points relevant to the investigation were outlined:

- The incident occurred at around 6.30pm on 23 November 2021;
- The greyhound and Mr Bullock were in the waiting room at the veterinary clinic when the Complainant arrived.
- The Complainant noted that the dog's front right leg was dangling and asked Mr Bullock what had happened;
- Mr Bullock had the greyhound's chest over his knee with the injured leg off the ground;
- The Complainant queried with the staff as to why the dog was not being seen to, and queried what was going to happen;
- When euthanasia was mentioned, the Complainant suggested that there were other options and queried whether the clinic staff had contacted a particular animal refuge;
- The Complainant then telephoned that animal refuge and received no answer but left a message in relation to the injured greyhound;
- The Complainant then queried staff as to whether the greyhound could be surrendered to her;
- The Complainant then started typing a message to the animal refuge when she noted that Mr Bullock was exiting the clinic, supporting the greyhound under the front legs and he then walked the greyhound toward the car park in a fast manner;
- The Complainant saw Mr Bullock drag the dog under a railing and a short time later she heard squealing;
- The Complainant then had a conversation with clinic staff and they went outside to speak with Mr Bullock.

2.3 The Respondent

The Respondent in relation to this matter is Mr Anthony Bullock. Mr Bullock is a licensed greyhound trainer operating from a property north of Launceston.

Mr Bullock is an experienced greyhound trainer having had over 30 years' experience in the industry.

He has been licensed with the classification as *Public Trainer* under the Rules of Racing since 1989. At the date of publication, Mr Bullock had 100 greyhounds under his control. This is made up of 74 racing animals, 17 pups and 9 retired greyhounds.

2.4 Witness Accounts

Statements were taken from 12 witnesses during the investigation.

Full statements and personal information of these witnesses have not been included within the report, instead the statements have been used in creating the chronological order of events.

2.5 Post-Mortem Information

A post-mortem examination was conducted on the carcass of the animal by the NRE Tas Animal Health Laboratory Veterinary Pathologist. The post-mortem report, received by ORI on 13 December 2021, is provided in full at *Appendix A*. The findings of the report can be summarised with the following extract from the report:

“The animal was found to have a complete transverse fracture of the distal right ulna and radius and significant bleeding associated.”

Other aspects of the post-mortem examination are articulated at 3.3.

2.6 Other Expert Advice

Expert advice was sought from:

- Office of Racing Integrity Acting Regulatory Vet – in relation to the analgesic effects of ONSIOR in the circumstances (this is further references at 3.4); and
- Racing Analytical Services Limited – in the examination and testing of samples from the carcass.

3. ANALYSIS

3.1 Timeline of Events

Following the completion of the investigation, the following facts have been determined (apart from the matters noted within 3.2) – with accounts being uncontested or otherwise agreed. They have been tabulated in chronological order and provide an effective timeline of the events that occurred.

The times noted in the chronology are as provided by various sources. It should be noted that there may be small differences in the calibration of the timing sources, and the report simply reports the time as per the provided source.

Legend of sources is below:

<i>Time from video stamp of the veterinary clinic</i>	*
<i>Time from phone records of Mr Bullock</i>	**
<i>ORI records</i>	***

23 Nov 2021	Time	Detail
<i>Chronology Reference (CR)</i> (i)	Between 5.45-6pm	Greyhound, Tah Bernard, suffers a leg fracture during an unofficial trial at the Mowbray greyhound track. Trainer, Mr Anthony Bullock, is advised of this whilst at the track.
(ii)	Approx 6.20pm	Mr Bullock leaves the track with Tah Bernard to drive to a nearby veterinary clinic. Mr Bullock's vehicle is towing two greyhound trailers.
(iii)	6.21pm **	Mr Bullock telephones Tah Bernard's owner and leaves a voicemail as the call goes unanswered.
(iv)	6.24pm *	Mr Bullock arrives at the veterinary clinic.
(v)	6.24pm *	Mr Bullock enters the clinic and requests a consult in relation to the injury.
(vi)	6.25pm *	Staff at the veterinary clinic staff triage Tah Bernard. Staff prepare for the treatment of the animal. Both Mr Bullock and Tah Bernard remain in the reception area.
(vii)	6.33pm *	The Complainant enters the veterinary clinic and engages in a short discussion with Mr Bullock in relation to the greyhound. The Complainant asks what is wrong with the

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		animal and what is going to happen. Mr Bullock advises of the injury to the greyhound.
(viii)	6.34-6.43pm*	The Complainant has a discussion with clinic staff regarding the greyhound as well as the arrangements for the Complainant's dog. The Complainant suggests that there are other options for the greyhound. The Complainant queries whether the greyhound can be surrendered to her. Shortly afterwards, the complainant attempts to call an animal sanctuary. This occurs within the hearing of Mr Bullock.
(ix)	6.43pm *	Mr Bullock leaves the clinic and returns to his vehicle, walking Tah Bernard on its back legs and supporting its front legs by holding the chest up. Veterinary clinic staff are watching as he does this. Mr Bullock enters Tah Bernard back into greyhound trailer. A greyhound strongly vocalises at this time.
(x)	6.44pm **	Mr Bullock telephones a second local veterinary clinic – no answer. He does not leave a message.
(xi)	6.48pm **	Mr Bullock calls the mobile number of another local veterinary surgeon. The call is unanswered and he leaves a voicemail in relation to Tah Bernard requiring treatment.
(xii)	6.51pm *	Mr Bullock leaves the car park.
(xiii)	6.55pm **	Mr Bullock again telephones the second veterinary clinic. The call is unanswered. He does not leave a message.
(xiv)	7.06pm **	Mr Bullock telephones Mr Michael Hoyle (Chairman of Stewards – Greyhound code). Advises Mr Hoyle of the situation and what has occurred with Tah Bernard.
(xv)	Approx 7.15pm	Mr Bullock arrives home at his property with Tah Bernard.
(xvi)	Approx 7.30pm	Mr Bullock's partner sends a Facebook messenger text to the veterinary surgeon who Mr Bullock called in chronology reference (xi) asking for assistance.
(xvii)	7.44pm **	Mr Bullock again telephones the second veterinary clinic – no answer. He does not leave a message.
(xviii)	7.55pm **	Mr Bullock again telephones the second veterinary clinic – no answer. He does not leave a message.
(xix)	8.09pm **	Mr Bullock telephones a third veterinary surgeon – no answer. He does not leave a message.

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(xx)	Approx 8.10pm	Mr Bullock administers two ONSIOR 40mg tablets orally to Tah Bernard and applies a bandage to the injured leg.
(xxi)	8.16pm **	Mr Bullock sends a text message to Mr Hoyle with the words 'I still haven't heard from the owner, but he has received pain relief.' Mr Hoyle replies with 'no problem, thanks for letting me know.'
(xxii)	9.15pm **	The veterinary surgeon noted in chronology reference (xi) telephones Mr Bullock to discuss treatment of Tah Bernard the following day. Mr Bullock advises the veterinary surgeon that the tablets had been given to the animal and that he had bandaged the leg.
24 Nov 2021	Time	Detail
(xxiii)	Approx 7.00am	Mr Bullock administers another two 40mg ONSIOR tablets orally to Tah Bernard.
(xxiv)	7.06am **	Mr Bullock telephones the dog's owner and discusses the situation, advising that the vet was attending at 10am to assess the animal.
(xxv)	8.50am **	Mr Bullock telephones one of his employees to brief her on the situation and requests that she meet with the veterinary surgeon at 10am to help with the dog's treatment.
(xxvi)	Approx 10.00am	The veterinary surgeon attends at Mr Bullock's property. Mr Bullock's employee handles Tah Bernard during the visit whilst leg fracture inspected. Tah Bernard was euthanised during the visit.
25 Nov 2021	Time	Detail
(xxvii)	Approx 6pm	Mr Bullock was interviewed by Mr Hoyle and Mr Jeremy Gleeson of the Office of Racing Integrity.
26 Nov 2021	Time	Detail
(xxviii)	Approx 10am	Mr Ross Neal and Mr James Dennis from ORI attended Mr Bullock's property and exhumed the carcass of Tah Bernard.
13 Dec 2021	Time	Detail
(xxix)	4.42pm ***	The Office of Racing Integrity receive the post-mortem report from the Animal Health Laboratory of the

		Department of Natural Resources and Environment Tasmania.
25 Jan 2022	Time	Detail
(xxx)	6pm ***	The Office of Racing Integrity receive advice from RASL in relation to the presence of Robenacoxib (ONSIOR) in the stomach content samples.
16 Feb 2022	Time	Detail
(xxxi)	Approx 10am	Stewards Panel holds inquiry in relation to this matter.
24 Feb 2022	Time	Detail
(xxxii)	Approx 10am	Racing Integrity and Stewards Manager, Mr Ross Neal provides the Director of Racing with a report in relation to the consideration of the facts as they relate to the Greyhound Australasia Rules.
4 Mar 2022	Time	Detail
(xxxiii)	Various	Report was released for procedural fairness consultation.

3.2 Unresolved Matters

Many of the matters considered by the investigation were clear and corroborated through various accounts and other information. Accordingly, the investigation has been able to define the majority of the chronology with an amount of certainty.

As can be expected with an investigation of this nature, there are several matters where there are conflicting accounts of the circumstances. The Director has not decided on the truth of any particular account, simply identifying and reporting instances where there is a conflict.

The following matters are the subject of conflicted accounts:

Request for euthanasia or treatment?

A staff member at the veterinary clinic states that Mr Bullock requested euthanasia of the greyhound. Mr Bullock states that he did not have permission to euthanise the greyhound at

that stage and was simply requesting a consult and expecting pain relief (*refer to CR v in table at 4.1*).

Mr Bullock's employee states that Mr Bullock simply instructed her to handle Tah Bernard for the veterinary surgeon in order that the animal could be euthanised. Mr Bullock states that he told the employee that the veterinary surgeon was coming to examine Tah Bernard and possibly euthanise it (*refer CR xxv in table at 4.1*).

Which greyhound squealed/vocalised? Was Tah Bernard thrown into the trailer?

A number of witnesses placed in their account that Tah Bernard vocalised strongly when it was placed in the trailer. Mr Bullock indicated that it was another dog within the trailer that vocalised (*refer CR ix in table at 4.1*).

One witness stated that they saw Mr Bullock 'throw' the greyhound into the trailer. This is dealt with at 4.7.2.

Calls to the Launceston Veterinary Clinic?

Mr Bullock states that he made phone calls to the second veterinary clinic at 6.44pm, 6.55pm, 7.44pm and 7.55pm. The second veterinary clinic advised that it was unable to confirm whether the calls were received by the clinic or the answering service. Phone records were sought from Mr Bullock which confirmed that calls were made to the telephone number at the times indicated in the timeline. (*refer CR x, xiii, xvii, xviii in table 4.1*).

3.3 Expert Evidence Sought – Post-Mortem

The greyhound's carcass was seized by investigators (*refer CR xxviii in table at 4.1*), and samples of stomach contents were collected for testing to determine if information could be gleaned to support or otherwise contradict any of the information collected in statements.

The pathology report (*Annexure A*) provides confirmation of the ante-mortem injury assessment – noting that the animal had suffered a fracture of the right distal ulna and radius.

The samples collected were sent to RASL for analysis on 7 December 2021. On 25 January 2022, RASL provided results (*as stated at CR xxx in table provided at 4.1*) in relation to the samples which confirmed that Robenacoxib (common name 'ONSIOR') was present in the stomach contents. The sample could not provide detail in relation to the concentration of the substance.

3.4 The Administration of Analgesia to Tah Bernard by Mr Bullock.

One of the points central to the investigation is whether Mr Bullock administered the pain-relieving medication to the greyhound (tablets of ONSIOR) on the evening of the injury (*refer CR xx in table at 4.1*) and the following morning (*refer CR xxiii in table at 4.1*).

It is important to have clarity around the actions taken by Mr Bullock in providing pain relief to the greyhound and the effectiveness of those actions. Investigators sought to identify firstly, the presence of the substance in the animal - to either corroborate or cast doubt upon Mr Bullock's claim, and if present, gain an understanding of the quantity of the substance in the system of the animal to confirm the dosage provided.

The investigation found that Mr Bullock's claim that he had administered ONSIOR to the animal on the evening of the incident to treat pain was very likely to be true. The presence of ONSIOR in the stomach contents corroborates Mr Bullock's version, that being that he did provide pain relief.

Mr Bullock's own discussions with Mr Michael Hoyle (*refer CR xxi in table at 4.1*) and to the veterinary surgeon (*refer CR xxii in table at 4.1*) on the evening of the 23 November 2021 provide corroboration of the timing of the administration of the analgesia.

In terms of the dosage provided, the investigation was unable to determine the quantity of the drug administered. In this respect, Mr Bullock's account is the only reference and is accepted as provided.

3.5 Expert Evidence Sought – ONSIOR

The investigation sought the advice of the acting Regulatory Vet of the Office of Racing Integrity specifically in relation to the analgesic effects of ONSIOR.

The following advice was received:

ONSIOR is registered for use in dogs to control pain associated with orthopaedic surgery.

The normal dose rate is 2mg/kg of the injectable preparation just before surgery followed by 1-2 mg/kg orally once per day.

Two 40 mg tablets represent an equivalent dose to the pre-surgical injection, if administered with food (food decreases absorption by 20%), or a slight overdose if given on an empty stomach.

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Two 40 mg tablets the following morning does represent an overdose (2.85 mg/kg vs recommended upper limit 2 mg/kg) but unlikely to cause harm as long as the dog's liver and kidneys were not compromised.

If the fracture has not been stabilized, (e.g. at least splinted) and the dog has not been immediately confined to a cage, then the effectiveness of the ONSIOR in controlling pain would be reduced.

This advice indicates that the action taken by Mr Bullock is likely to have relieved the animal's pain from the injury – although the fact that a splint was not applied (only bandaging) would have reduced this effect.

3.6 Discrepancy in Relation to the Request for Euthanasia

There is a divergence of views in relation to what Mr Bullock was asking for when he came into the veterinary clinic. The perception of the staff was that Mr Bullock was seeking to have the animal euthanised. This is supported by the fact that the staff members discussed the necessary paperwork and protocols for the euthanasia of a greyhound.

What Mr Bullock actually said is of little relevance in this instance because irrespective, that was what was perceived by staff.

It should be noted that euthanasia was a legitimate option open to Mr Bullock in the circumstances (but noting that under the Rules of Racing Mr Bullock would have needed permission from the owner of the animal prior to undertaking such a course of action if the assessment of the treating vet did not concur that euthanasia was the only course of action due to the catastrophic nature of the injury).

The investigation noted that Mr Bullock did attempt to call the owner to seek his views during the process of seeking veterinary assistance (refer CR iii and xxiv in table at 4.1).

3.7 Accuracy of information placed into the public arena

This incident has galvanised an amount of public interest. The public interest has been driven by articles and posts on both social and regular media. This investigation has found that numerous claims and assertions made in those articles were inaccurate because they have been based on misinformation, likely as a result of the heavy reliance on information which was accepted by the publishers untested. A number of examples are outlined below:

3.7.1 Decision of Mr Bullock to leave the veterinary clinic based on financial considerations

- Several sources suggested that Mr Bullock's motivation for leaving the veterinary clinic was firstly, because he was unhappy that the regular vet was not on shift and secondly, that he was unwilling to pay an after-hours fee to euthanise the dog.
- Such comments are not supported by the information received in this investigation.
- The fact that Mr Bullock presented to the clinic and sought treatment indicated otherwise. Mr Bullock is a regular user of the veterinary clinic. He would be aware of the costs associated with the after-hours treatment of a greyhound. As an experienced greyhound participant, he would also understand Tasracing has a program that covers all such costs, therefore making it highly unlikely that Mr Bullock was agitated by the cost implications of an after-hours fee.
- Mr Bullock claims that he was not advised of the costs of the consultation until he had left the clinic when one of the staff called out to him across the car park once the greyhound was already back in the trailer. This concurs with the statement of one of the staff members.
- Mr Bullock cited the reason that he left the veterinary clinic was because he became uncomfortable with the situation in the veterinary clinic reception area, and he left to seek treatment at another practice.
- This account is a more likely motive to depart without gaining veterinary attention.

3.7.2 The animal was 'thrown' into the dog trailer

- There were reports made on social media and conventional media in relation to the way Mr Bullock put the greyhound into the trailer. The media reported that Mr Bullock 'threw' the animal into the trailer.
- There are two accounts in relation to what occurred at the trailer.
- Mr Bullock denies '100%' that he threw the greyhound into the trailer.
- A veterinary clinic staff member stated that they saw Mr Bullock enter the greyhound into the trailer:

'I then saw Anthony BULLOCK pick up and throw the greyhound into the trailer in a very rough manner. I heard the greyhound crying out/yelping very loudly as it was being thrown into the trailer.

As I approached the vehicle and trailer I saw Anthony BULLOCK was attempting to push the greyhound he had been in the clinic with into the trailer in a rough manner. He also had hold of another greyhound at the same time. The greyhound he was attempting to push into the trailer was yelping very loudly as he did so. The other greyhound was not yelping at all.'

- From the information received, it is not possible to determine whether the way the greyhound was loaded into the trailer was not appropriate. It is likely that the situation was physically awkward for Mr Bullock to manage, with two dogs – including an injured dog out of the trailer at the same time.
- The use of the word 'thrown' in the description of the action was unable to be further defined in terms of the action of assisting the animal to enter the trailer. The word creates a negative word picture when used in terms of the treatment of the animal. Without further definition, care should be used in how the action is characterised.

3.7.3 The animal did not receive any pain relief and was left to suffer overnight

- This was reported in a number of social media posts and also within a newspaper article.
- Such comments are not supported by the information gathered in this investigation.
- An account has been received from Mr Bullock that the animal did receive analgesia on the evening of the 23 November 2021 and the morning of 24 November 2021. This is corroborated by Mr Bullock's statements to the veterinary surgeon and to Mr Hoyle as well as by the presence of ONSIOR in the samples taken from the animal.
- Expert evidence from the ORI Acting Regulatory Veterinarian is that the analgesia provided by Mr Bullock represents an equivalent dose to the pre-surgical injection provided in respect of orthopaedic surgery – and that the medication is likely to have had the desired effect of providing pain relief. The veterinary surgeon noted in their statement that when they assessed the animal the next morning, the animal appeared very comfortable.

4. ASSESSMENT OF LEGISLATIVE COMPLIANCE – *Animal Welfare Act 1993*

This investigation considered whether there were any breaches of legislation identified in the incident regarding the facts that have been identified. In particular, the provisions of the *Animal Welfare Act 1993* were examined to determine if there was prima facie evidence of a breach of any provision of the Act.

Specific consideration was applied to the actions of Mr Bullock in making the decision to leave the veterinary clinic without the dog having a veterinary consultation and whether those actions could be considered to fall into the definition of cruelty to animals.

The specific legislation is within section 8 of the Act:

8. Cruelty to animals

(1) A person must not do any act, or omit to do any duty, which causes or is likely to cause unreasonable and unjustifiable pain or suffering to an animal.

Penalty: In the case of –

(a) a body corporate, a fine not exceeding 500 penalty units; or

(b) a natural person, a fine not exceeding 100 penalty units or imprisonment for a term not exceeding 12 months, or both.

(2) Without limiting the generality of subsection (1), a person is guilty of an offence under that subsection if the person –

(a) wounds, mutilates, tortures, overrides, overdrives, overworks, abuses, beats, torments or terrifies an animal; or

(b) overloads or overcrowds an animal; or

(c) drives, conveys, carries or packs an animal in a manner or position or in circumstances that subjects or subject it to unreasonable and unjustifiable pain or suffering; or

(d) works, rides, drives or uses an animal when it is unfit for the purpose; or

(e) has possession or custody of an animal that is confined, constrained or otherwise unable to provide for itself and fails to provide the animal with appropriate and sufficient food, drink, shelter or exercise; or

(f) abandons an animal of a species usually kept in a state of confinement or for domestic purposes; or

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(g) has possession or custody of a sick or injured animal and fails to provide veterinary or other appropriate treatment for the animal; or

(h) administers to or otherwise uses in respect of an animal an injurious drug or a toxic or noxious substance except for–

(i) medical curative purposes; or

(ii) scientific research purposes; or

(iii) normal management procedures; or

(iv) euthanasia; or

(v) the purposes of controlling a List A disease as defined in the Animal Health Act 1995; or

(vi) the purposes of controlling a pest animal in accordance with the pest register; or

(i) in the course of any sport or public performance or in the training for any sport or public performance, applies or exposes an electronic device to an animal; or

(j) uses a spur, or other like appliance, with sharpened rowels on an animal; or

(k) does any other prescribed act.

This matter was referred to both the RSPCA Tas and Biosecurity Tasmania to give fulsome consideration. It should be noted again – the Office of Racing Integrity has no direct responsibilities under the *Animal Welfare Act 1993* – these lie with the RSPCA Tas.

Assessment: The circumstances identified within the chronology do not disclose prima facie evidence of a breach of the legislation and do not warrant referral to the Director of Public Prosecutions (DPP).

Accordingly, the actions of Mr Bullock in the treatment of Tah Bernard did not breach the requirements of the *Animal Welfare Act 1993*.

5. ASSESSMENT OF COMPLIANCE WITH RULES OF RACING

The information gathered during the investigation (consisting of case notes, exhibits, witness statements and other documents) was referred to a panel of Stipendiary Stewards to consider if there were any breaches of the Rules of Racing.

Issue # 1

Greyhound Australasia Rules – (GAR) 106

The rules relating to the care and welfare of greyhounds are those contained within Rule 106 of the GAR. This rule imposes various duties on registered persons responsible for greyhounds under their care. Rule 106 in its entirety reads:

Rule 106 Proper care (welfare) of greyhounds

- (1) A registered person must ensure that greyhounds, which are in the person's care or custody, are provided at all times with-*
 - (a) proper and sufficient food, drink and protective apparel.*
 - (b) proper exercise.*
 - (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's care or custody from being subjected to unnecessary pain or suffering.*

- (3) At any time after the notification of the result of service pursuant to Rule 136, the last registered owner of the greyhound at the relevant time, shall notify the Controlling Body by lodging the prescribed form:*
 - (a) within ten working days, if that greyhound has transferred ownership, been retired as a pet or a breeding greyhound, been transferred to an adoption program, exported, or surrendered to another agency.*
 - (b) within two working days if that greyhound has been humanely euthanised by a veterinary surgeon or deceased.*

(4) *It shall be a requirement to include a veterinary certificate of euthanasia when lodging the appropriate form for any greyhound that has been euthanised by that veterinary surgeon.*

(5) *An owner or person responsible at the relevant time who fails to comply with any provision of this rule shall be guilty of an offence and liable to a penalty in accordance with Rule 95.*

The part of Rule 106 most particular to the circumstances of this case is Rule 106(2). This rule requires registered persons to ‘exercise such reasonable care and supervision as may be necessary to prevent greyhounds under a person's care or custody from being subjected to unnecessary pain or suffering’.

The Stewards considered the facts defined by the investigation in respect of whether a steward’s inquiry was warranted, that is – did Mr Bullock have a case to answer.

Assessment: The Stewards Panel concluded that Mr Bullock had no case to answer with respect to Rule 106.

Issue # 2

Treatments (GAR 84A)

The rules attending to greyhound treatments and medications are provided for by Rule 84A which reads:

(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.*

INVESTIGATION REPORT – INJURY AND MANAGEMENT OF GREYHOUND – TAH BERNARD

(2) *Each record of treatment kept in accordance with this rule must be made by midnight on the day on which the treatment was given and, as a minimum requirement, include the following information:*

- a) *Name of the greyhound;*
- b) *Date and time of administration of the treatment;*
- c) *Name of the treatment (brand name or active constituent);*
- d) *Route of administration;*
- e) *Amount given;*
- f) *Name and signature of person or persons administering and/or authorising treatment.*

For the purposes of sub-rule (2), “day” means the 24-hour period from 12:01 am to 12 midnight on any calendar day.

(3) *For the purposes of this Rule, “treatment” includes:*

- a) *All Controlled Drugs (Schedule 8) administered by a veterinarian;*
- b) *All Prescription Animal Remedies and Prescription Only Medicines (Schedule 4);*
- c) *Any injectable substance not already specified in this Rule.*
- d) *All Pharmacist Only (Schedule 3) and Pharmacy Only (Schedule 2) medicines.*
- e) *All veterinary and other substances containing other scheduled and unscheduled prohibited substances.*

(4)

a) *It shall be an offence for any person to acquire, attempt to acquire, administer or allow to be administered to any greyhound, any Permanently Banned Prohibited Substance referred to in Rule 79A.*

b) *It shall be an offence for any person other than a Veterinary Surgeon to possess, prescribe, administer or allow to be administered to any greyhound, any Schedule 4 or Schedule 8 substance listed in the Standard for the Uniform Scheduling of Medicines and Poisons contained in the Australian Poisons Standard, as amended from time to time.*

c) *Sub rule (4)(b) shall not apply where the substance was administered as intended to a greyhound under the care of the Veterinary Surgeon who*

INVESTIGATION REPORT – INJURY AND MANAGEMENT OF GREYHOUND – TAH BERNARD

prescribed that substance in compliance with the relevant State and Commonwealth legislation for the treatment of those greyhounds under his or her care after taking all reasonable steps to ensure a therapeutic need exists for that substance.

The Stewards Panel considered Part 4 (b) of this Rule, in respect of the admission that Mr Bullock medicated Tah Bernard with a medication (Onsior) which was not specifically prescribed for the dog, nor indeed any other greyhound on the property. Instead, the Onsior tablets were of some duration, having been previously prescribed for an Alsatian that resides at Mr Bullock's property.

Assessment: The Stewards Panel concluded that Mr Bullock had a case to answer with respect to Rule 84A.

The Steward's Panel considered the charge and a Steward's Report is provided as *Annexure B*.

6. RECOMMENDATIONS

The Director of Racing, in finalising this investigation makes the following recommendations:

6.1 The Availability of Veterinary Surgeons at All Greyhound Trial Events

What became evident from this investigation was that if an on-track veterinary surgeon had been employed at the event on 23 November 2021, the circumstances would not have unfolded in this incident in the manner that they did.

This type of incident could conceivably be repeated. Whilst injuries of this severity are not common, if a veterinary surgeon was present at the greyhound trial, the greyhound would have received treatment contemporaneously (whether that be the provision of pain relief, or alternatively a decision made to euthanise) and if that had been the case the need to seek external veterinary assistance would have ceased to exist.

Aside from the contemporaneous treatment of animals, this will reduce the opportunity for the unnecessary conflict caused by trainers seeking treatment for greyhounds at public veterinary practices – where persons opposed to greyhound racing might be present.

Having veterinary surgeons present at all greyhound trial events is considered to be a best practice outcome, however a more practical solution might be in some circumstances, given the proximity of a number of veterinary practices to race facilities, that priority on-call veterinary care could be organised for immediate on track attendance at official greyhound trial events, in the event of an injury. If this option is selected, a maximum response time of 15 minutes should be mandated.

The time factor is relevant because it should be noted in this instance that it was around 30 minutes from the time of the injury to when Mr Bullock arrived at the veterinary clinic. This is not a reflection of any tardiness by Mr Bullock, indeed the investigation found that his initial attendance at the surgery was appropriately prompt given the circumstances. More so, it is a reflection on the time that it takes to organise the transport of the animal to the clinic. A veterinary surgeon who was on-call and aware that a request to attend may come, could have attended from the veterinary clinic or a number of other practices in the vicinity easily within that time. This would have also alleviated the need to transport Tah Bernard in an untreated state – certainly a better outcome.

Recommendation 1

A veterinary surgeon must be present at all race meetings and official club trials events, or alternatively procured in a manner that provides for immediate on-track attendance in the event of an injury.

6.2 Improvements to Documentation and Framework in Relation to Euthanasia and Injury Management in Respect of Greyhound Injuries

The investigation noted that there was a level of uncertainty among the staff at the veterinary clinic in relation to the process that should occur in the treatment of this greyhound – especially in respect of any need to euthanise.

Whilst a framework does exist in relation to the destruction of animals with non-catastrophic injuries, there are a number of different documents which are produced by Tasracing as policy or guidance documents, and it was considered appropriate for the Director to review these documents in the course of this investigation.

The documents when reviewed in the context of the investigation appeared to conflict in respect of certain information and there were other inconsistencies and errors.

This is crucial information for participants and administrators alike. It is vital that it is appropriately considered and is accessible and accurate.

Accordingly, the protocols for determining the availability of euthanasia as a treatment option for injured greyhounds, or a management option more generally should be reviewed. It is crucial that roles and responsibilities are clearly defined.

The provisions of the *Animal Welfare Act 1993* and any other relevant information should be used as the basis for any rules and policies. Appropriate consultation, including with the veterinary community, should occur in respect of the development of the reviewed framework.

In any instance that the review finds that a rule is in conflict with overarching legislation – the rule should be amended to reflect the legislative requirement as the minimum.

Following completion, the reviewed information should be widely disseminated.

Recommendation 2

That Tasracing and the Office of Racing Integrity review all local rules, animal welfare guidelines and associated documents related to euthanasia and the treatment of injuries to ensure that they are clear, concise and accessible and importantly non-contradictory – and that they clearly identify the roles and responsibilities of participants and adjacent personnel.

7. DIRECTOR OF RACING – DECISION NOT TO SUSPEND MR BULLOCK PENDING THE COMPLETION OF THIS INVESTIGATION

In the days following the incident, public demands were made for Mr Bullock to be suspended from participating in racing, pending the completion of the investigation.

Whilst the Greyhound Australasia Rules include provisions for the suspension of participants pending the outcome of an inquiry, the Director of Racing considered the circumstances and determined that it was not appropriate to do so prior to the completion of the investigation.

The Director of Racing advised publicly that the rationale for this determination would be included within the investigation report.

The rationale as determined by the Director is provided below:

- Under the Rules of Racing, all participants are entitled to procedural fairness in any Inquiry.
- Common law principles, applicable to investigations under the *Animal Welfare Act 1993*, allow for the presumption of innocence.
- The suspension of Mr Bullock prior to the completion of the inquiry would have resulted in an unwarranted and unreasonable punitive outcome for Mr Bullock. This would be an inappropriate use of the powers of the Director in the circumstances.
- Notwithstanding, the Director of Racing put in place additional audit processes to ensure that Mr Bullock's care of animals was up to the appropriate standard.
- Stewards from the Office of Racing Integrity visited Mr Bullock's property on several occasions during the progress of the investigation. The kennels and the animals were assessed with consideration of the Rules of Racing.
- Additionally, Mr Bullock's greyhounds were checked carefully when they were presented to race meetings. No issues were reported in relation to either series of audits.
- If Mr Bullock's management of animals resulted in concerns, the Director could take action at any stage.

ANNEXURE A



ANIMAL HEALTH LABORATORY

165 Westbury Road Prospect TAS 7250
PO BOX 46 Kings Meadows TAS 7249
specimenreception@nre.tas.gov.au
03 6777 2111

Submission Number: 3-21-0502
Report Number: 4385
Issue Date: 13/12/2021
Status: Final

CERTIFICATE OF ANALYSIS

Customer: DPIPWE Office of Racing Integrity
Address: PO Box 1329 Launceston TAS 7250 AUS
Submitter: Ross Neal

Submission Number: 3-21-0502
Serial Number: 144935

Specimen Owner: Antony Bullock
Specimen Address: 2616 West Tamar Highway Exeter
Specimen Locality: Beaconsfield

Species: Dog - Greyhound
Date Received at AHL: 26/11/2021

*Sample(s) analysed as received. The document shall not be reproduced except in full.
Additional information relating to this submission can be found in the sample receipt notification.
This report supersedes any previous reports with this submission number.*

Anatomical Pathology

Necropsy Report

CLINICAL HISTORY:

Please refer to laboratory advice note

SAMPLES / ANIMALS SUBMITTED:

One dead adult male greyhound RFID 956000009501190

GROSS FINDINGS:

The animal is in good body condition and weighs 28.3kg. There are putrefactive post mortem changes and abundant maggots in all orifices. There is a complete transverse fracture of the distal right ulna and radius and abundant haemorrhage surrounding the fracture and expanding the fascia.

GROSS FINDINGS:

Fracture of right distal ulna and radius

PATHOLOGIST'S COMMENTS:

Frozen liver, kidney and stomach contents were collected by Laura Lord, Office of Racing Integrity, on 1 December 2021. There are no further comments because of the significant putrefactive post mortem changes. Post mortem examination - Test Method Used - In-house PATHM-001

The results in this report were authorised by:

Graeme Knowles

Veterinary Pathologist - Registered Specialist

Ph: 03 6777 2132

ANNEXURE B

Office of Racing Integrity

Department of Natural Resources and Environment Tasmania

STEWARDS DECISION

OFFICE OF RACING INTEGRITY

and

ANTHONY BULLOCK

Date of hearing: 16th February 2022

Stewards Panel: Ross Neal (Chair), Roger Brown

Present: Mr Anthony Bullock (Respondent)

Rule: Greyhound Australasia Rules (GAR 84A (4) (b))

Rule 84A (4) (b) `it shall be an offence for any person other than a Veterinary Surgeon to possess, prescribe, administer, or allow to be administered to any greyhound, any Schedule 4 or Schedule 8 substance listed in the Standard for the Uniform Scheduling of Medicines and Poisons contained in the Australian Poisons Standard, as amended from time to time`.

Charge: **THAT YOU**, Anthony Bullock, on or about 23rd and 24th of November 2021 committed a breach of GAR 84A (4) (b) by administering, or allowed to be administered, the Schedule 4 prescription medication ONSIOR, listed in the

Standard for Uniform Scheduling of Medicines and Poisons, contained in the Australian Poisons Standard, to the registered greyhound TAH BERNARD when this medication was not prescribed for TAH BERNARD by a registered veterinarian.

Plea: Admitted

Background

1. Mr Bullock is a licensed greyhound trainer under the Greyhound Australasia Rules.
2. In the late afternoon of Tuesday 23rd November 2021, Mr Bullock transported TAH BERNARD to Mowbray Racecourse for the purpose of competing at trials at the venue.
3. During his trial TAH BERANRD broke down, fracturing his right front foreleg.
4. Mr Bullock immediately took TAH BERNARD to a local Veterinary Clinic which is located adjacent to the LGRC
5. Mr Bullock arrived at the veterinary clinic at 6:22pm and sought veterinary intervention for TAH BERNARD at the clinic's reception, however, was advised that the on-duty veterinary was currently busy and that he would have to wait to be attended to.
6. While Mr Bullock was waiting to be attended to, he was confronted by another client of the clinic seeking to intervene with respect to the potential treatments and outcomes for TAH BERNARD.
7. This person remonstrations resulted in Mr Bullock leaving the veterinary clinic at 6:39pm without TAH BERNARD having been examined by a veterinarian.
8. Mr Bullock then attempted to contact other veterinarians, seeking to have TAH BERNARD examined and attended to.

9. Mr Bullock then telephoned Office of Racing Integrity Greyhound Chair of Stewards Mr Michael Hoyle to apprise him of matters.
10. Mr Hoyle instructed Mr Bullock to ensure that TAH BERNARD received pain relief and to confirm when this had occurred.
11. At approximately 8.00pm Mr Bullock gave TAH BERNARD two tablets of ONSIOR 40mg. and confirmed this in a text message to Mr Hoyle.
12. At 9.15pm a veterinary surgeon phoned Mr Bullock where arrangements were made to have TAH BERNARD euthanised the following morning.
13. At 10.00am Wednesday 24th November a veterinary surgeon attended Mr. Bullock's property and euthanised TAH BERNARD.

Penalty Discussion.

14. The circumstances surrounding the demise of TAH BERNARD are unfortunate, however trainers and those caring for greyhounds need to comply with the rules in all regards.
15. When medicating TAH BERNARD with the prescription drug ONSIOR, Mr Bullock was unaware of the drugs potency, and any other complication which may have arisen from him administering a substance he knew little about. Other than he had used the drug some time previously on an Alsatian that he owns.
16. Rule 84A (4) (b) exists to ensure that those medications which are prescription only are administered by those properly authorised to do so. This being veterinarians. To do otherwise not only puts an animal at risk, through either administering a substance not applicable to the circumstance, but also it creates a situation of real risk where the animal can be either over or under dosed.
17. In consequence it is unacceptable for trainers and, those in charge of animals to second guess medicating animals with prescription only medications without proper instruction.
18. In respect to this matter Mr Bullock has admitted the charge and as such we must consider the matter of penalty, should we find the need to impose one.

Respondents Penalty Submissions

19. Mr Bullock submits that a monetary penalty would be appropriate in this circumstance.

Reasons for Penalty

20. When establishing the mode of penalty to be employed in this case the Stewards have sought guidance from previous decisions in Tasmania and other jurisdictions, however precedent has been difficult to locate.
21. Nonetheless we are guided to some degree by the recent Victorian case (Jan-21) of *Nicholson* which involved several breaches of the harness racing rules, but one of the charges related to the respondent having in his possession an unregistered veterinary substance. The penalty imposed for this admitted breach was \$750.00
22. While the *Nicholson* matter involved possession and not administration of a non-permitted substance, the determination was that a monetary penalty was sufficient in attending to the matter.
23. Resultantly, the Stewards believe that this matter should be best dealt with by way of a monetary penalty and to this end we have adopted a starting point of \$2,000.00. This starting point recognising the accepted principals of sentencing, including the requirement both for specific and general deterrence.
24. We do not believe there are any factors in aggravation that would compel an uplift from the starting point.
25. However, we do recognise the following with respect to mitigating factors in favour of Mr Bullock. These being: -
 - a. Mr Bullocks duration in the industry (some 40 years)
 - b. That he has had more than 20,000 starters in races over the past 15 years (records prior are incomplete)
 - c. Him having not previously breached this, or any similar rule.
 - d. His early acknowledgement of his error.
 - e. His co-operation throughout the currency of this investigation.

Outcome

26. Having regards to all circumstances the Stewards believe that a fine of \$1,500 will satisfy the accepted principles of sentencing. This being to hold Mr Bullock accountable, to encourage in him a sense of responsibility for his actions, and to deter him and others from committing the same or similar offences.

Mr Bullock is fined the sum of \$1,500 with \$750.00 suspended for 12 months subject to him not breaching this or a similar rule.

Conclusion

Mr Bullock is fined the sum of \$1,500.00 with 50% of this penalty suspended for 12 months pending him not reoffending this, or similar rules.

Decision Date: 20th April 2022