

**IN THE RACING APPEALS TRIBUNAL**

**CHARLIE AZZOPARDI**  
**Appellant**

**v**

**GREYHOUND WELFARE AND INTEGRITY COMMISSION**  
**Respondent**

**DETERMINATION OF APPLICATION PURSUANT TO CL 14(1)(a) OF THE RACING  
APPEALS TRIBUNAL REGULATION 2005**

**INTRODUCTION**

1. By a notice dated 21 June 2024, the Greyhound Welfare and Integrity Commission (the Respondent) determined to impose an interim disqualification on Charlie Azzopardi (the Appellant) pending the finalisation of an inquiry into what might be generally described as animal welfare issues.
2. On 30 June 2024, the Appeals Secretary received from the Appellant a Notice of Appeal dated 29 June 2024, and an accompanying application for a stay, in respect of the determination referred to in [1] above.
3. As set out in my Preliminary Ruling issued on 22 July 2024, an issue arose as to whether the Notice of Appeal had been lodged within the 7 day period prescribed by s 15A(1) of the *Racing Appeals Tribunal Act 1983* (NSW) and, if not, whether special or exceptional circumstances had been made out so as to justify an extension of time being granted pursuant to cl 10(1) of the *Racing Appeals Tribunal Regulation 2005* (NSW).
4. In correspondence to the Appeals Secretary of 24 July 2024, the Respondent has helpfully set out the relevant chronology of events, and has clarified that the Notice of Appeal has in fact been lodged within time. Accordingly, that issue

having been resolved, I am now in a position to proceed to determine the application for a stay of the determination. For that purpose I have been provided with:

- (i) submissions of the Appellant set out in his Notice of Appeal;
- (ii) submissions of the Respondent dated 12 July 2024;
- (iii) submissions of the Appellant in reply dated 16 July 2024; and
- (iv) a statement of Margaret Brownlow, Veterinarian, dated 11 June 2024.

### **THE CASE AGAINST THE APPELLANT**

5. I draw the following summary from the submissions filed by the Respondent.
  
6. On 9 May 2024, officers of the Respondent attended the Appellant's premises in response to a phone call made by the Appellant on 8 May 2024 requesting urgent assistance from the Respondent with rehoming his greyhounds. The Appellant indicated at that time that he was planning to move overseas.
  
7. Upon an inspection being carried out, the Respondent's officers scanned a total of 34 greyhounds and identified a number of concerns, principally:
  - (i) the condition and upkeep of the greyhounds and;
  - (ii) the kennel conditions.
  
8. One greyhound, with ear brand NLDYI, was identified as requiring immediate veterinary attention for an untreated injury on its neck, in respect of which the Appellant was issued with an order pursuant to s 24N of the *Prevention of Cruelty to Animals Act 1979* (NSW) requiring him to provide immediate veterinary attention to the greyhound.
  
9. In the course of the inspection, the Respondent's officers enquired of the Appellant as to the desexing and rehoming the greyhounds. The Appellant advised that he had already desexed 7 of the greyhounds and 10 more were to be desexed later that month. However, he was unable to provide proof of the desexing.

10. It is relevant to note that in December 2023, the Appellant had indicated to the Respondent that he intended to reduce the number of greyhounds in his care. At that time, he was given advice as to how to go about this, and was specifically advised that the greyhounds would require desexing prior to being rehomed.

11. On 10 May 2024, the Appellant provided documentation demonstrating that he had sought veterinary attention for the greyhound with ear brand NLDYI, in compliance with the order pursuant to 24N.

12. On 31 May 2024, following a request for assessment by the Respondent, staff members from the *Greyhounds as Pets* rehoming organisation (GAP) attended the Appellant's premises. Having done so, they contacted the Respondent expressing concerns about the welfare of greyhounds. Those concerns included the fact that:

- (i) a number of the greyhounds were underweight;
- (ii) the Appellant had described administering what was described as a diet of 'bread and water' to the greyhounds;
- (iii) a number of the greyhounds had visible injuries;
- (iv) there was lack of shelter and adequate bedding; and
- (v) there was fighting between the greyhounds, resulting in injury.

13. On 3 and 4 June 2024, with the Appellant's consent, GAP staff removed 17 greyhounds from the premises. It has since become apparent that the Appellant may not have been the owner, or at least the sole owner, of some of those greyhounds.

14. A second inspection of the premises was carried out by officers of the Respondent on 4 June 2024. On the Respondent's case, none of the concerns which were previously raised with the Appellant had been addressed. Such concerns included:

- (i) unsanitary kennels;
- (ii) overgrown yards;
- (iii) piles of faeces;
- (iv) insufficient clean drinking water for the greyhounds;
- (v) inadequate or no bedding;
- (vi) insufficient shelter from the weather;
- (vii) the absence of treatment records; and
- (viii) the absence of an exercise, socialisation and enrichment plan.

15. In the course of that inspection, it was determined that the Appellant had 17 greyhounds at the premises. The Respondent's records indicate that he is registered as having a total of 22 greyhounds in his care. Further, the Respondent alleges that notwithstanding advising it that he required assistance with rehoming due to moving overseas, the Appellant had continued to transfer, or attempt to transfer, further greyhounds into his care.

16. The comprehensive report of Ms Brownlow generally corroborates (with the aid of a number of photographs) the essence of the matters set out above.

17. On 17 June 2024, the Appellant was issued with a notice by the Respondent, indicating that it proposed to impose an interim disqualification pending further investigation the matters which had been uncovered as a result of the two inspections, and giving the Appellant the opportunity to make submissions. On 21 June 2024, absent any submissions from the Appellant, the Respondent determined to impose an interim disqualification.

## **SUBMISSIONS OF THE PARTIES**

### **Submissions of the Appellant**

18. At least in some respects, the Appellant's submissions appear to accept the general accuracy of the allegations which have been made by the Respondent. However, the essence of his position is that the allegations against him are overstated, and that the overall position put by the Respondent "*has been made*

*to look a lot worse than what it really is*". He has also pointed to the fact that in recent month he has dealt with a number of issues which have personally affected him, and affected his financial position.

19. The Appellant has emphasised that he relies on his participation in the industry for his income, without which he will be forced to move from his premises, in circumstances where he has nowhere else to go. He has agreed to comply with any limit which might be placed upon him by the Respondent in an effort to resolve the matter on an interim basis.

### **Submissions of the Respondent**

20. The Respondent pointed specifically to what was found by its officers at the time of the two inspections, and submitted that the second inspection revealed that little or nothing had been taken by the Appellant by way of remedial action following the first inspection which had revealed (amongst other things) greyhounds which were injured, underfed, and malnourished.

21. The Respondent, with some justification, placed significant emphasis on the provisions of s 11 of the *Greyhound Racing Act 2017 (NSW)*, which makes specific reference to the Respondent's objective to promote and protect the welfare of greyhounds. The essence of the Respondent's submission was that in the circumstances of the present case, the grant of a stay would be entirely antithetical to that objective. In this regard, the Respondent drew specific attention to the report of Dr Brownlow, and to her opinion that on the whole of the evidence, the Appellant should not be licenced to rear greyhounds.

22. The Respondent accepted that the imposition of an interim disqualification, as opposed to an interim suspension, was a matter of considerable gravity, and a course to which it resorted infrequently. However, it was submitted that the gravity of the circumstances of the present case warranted the determination which had been made, pending the conclusion of an inquiry.

23. For all of these reasons, the Respondent submitted that the application for the stay should be refused.

### **CONSIDERATION**

24. The principles governing an application of this nature have been extensively documented in previous determinations, and it is not necessary for me to repeat them. Put simply, in order to grant a stay, I must be satisfied that:

- (i) there is a serious question to be tried; and
- (ii) the balance of convenience favours a stay.

25. Significant issues of animal welfare arise from the evidence which is available to me. That evidence includes, importantly, the opinions of Dr Brownlow and the photographs in her report. In particular, there is clear evidence that greyhounds in the Appellant's custody have not received proper care, to the point where (amongst other things)

- (i) they are generally malnourished;
- (ii) a number of them have been found to have untreated injuries; and
- (iii) their living conditions are largely, if not wholly, unacceptable.

26. The strength of that evidence is such that I am unable to be satisfied that there is a serious question to be tried. I accept the Respondent's position that to permit the Appellant, in light of that evidence, to continue his participation in the industry whilst an inquiry is ongoing, would be fundamentally at odds with the Respondent's statutory obligation to promote and protect the welfare of greyhounds. It would also have the clear and unequivocal capacity to erode the integrity of, as well as public confidence in, the greyhound racing industry.

27. In these circumstances I do not need to consider the question of where the balance of convenience might lie. Had I been required to do so, I would have concluded that the evidence is so strong that the balance of convenience weighs

heavily against a stay being granted, notwithstanding full weight being given to the Appellant's financial position.

28. All of that said, and bearing in mind the evidence that is already available, there obviously remains an obligation on the Respondent to finalise its inquiry without delay.

### **ORDERS**

29. For the reasons given, I make the following orders:

1. The application for a stay of the determination of the Respondent to impose an interim disqualification is refused.
2. The Respondent is to advise the Appeals Secretary of the outcome of the inquiry upon its completion.

**THE HONOURABLE G J BELLEW SC**

**24 July 2024**