

## DECISION

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**INQUIRY NUMBER:** 17S040  
**PERSON:** Didier Dupuche (**Participant**)  
**PANEL MEMBER(S):** Stephen Dodd (**Steward**)  
Tammy Cootes (**Steward**)  
Grant Carroll (**Steward**)  
**DATE OF DECISION:** 16 June 2017

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### Background

1. On 24 May 2017 Greyhound Racing New South Wales (**GRNSW**) wrote a letter (**Letter**) to the Participant notifying him that an inquiry had been commenced under the GRNSW Greyhound Racing Rules (**Rules**).
2. The purpose of the inquiry was for the Stewards to consider if Rule 95(8)(a) was applicable and, if so, whether the Stewards should impose a penalty upon the Participant.
3. On 18 May 2017 the Participant was convicted of offences under sections 5(3) and 6(1) of the *Prevention of Cruelty to Animals Act 1979* (NSW) (**Act**).
4. The nature of the offences committed by the Participant were:
  - (i) aggravated animal cruelty; and
  - (ii) a failure to provide veterinary treatment when necessary.

These offences were directly associated with the welfare of a greyhound.

5. The Participant was provided the opportunity to provide submissions and evidence in relation to why the Participant's continued participation or association with greyhound racing would not be detrimental to the proper control and regulation of greyhound racing and/or contrary to the interest of GRNSW. The Participant was also provided an opportunity to provide submissions in relation to penalty.
6. The Participant provided submissions on 13 June 2017.

### Finding in relation to Rule 95(8)(a)

7. The Stewards have viewed the conviction certificate in relation to *R v Didier Dupuche*.
8. The Stewards are comfortably satisfied that the conviction certificate is conclusive evidence that:
  - (a) the Participant was convicted of offences under sections 5(3) and 6(1) of the Act;
  - (b) the nature of the offences committed by the Participant were aggravated animal cruelty and a failure to provide veterinary treatment when necessary. These concerns were directly associated with the welfare of greyhounds; and
  - (c) for committing these offences, the Participant was fined \$1,000 for aggravated animal cruelty and \$400 for a failure to provide veterinary treatment. The Participant was prohibited from owning any animals for a period of five years with the exception of keeping his existing greyhound.

9. The Stewards considered that the acts the Participant was convicted of amounted to aggravated animal cruelty and a failure to provide veterinary treatment to a greyhound. These are core welfare issues and are intolerable.
10. As a result, the Stewards determined that:
  - (a) the Participant's participation or association with greyhound racing would be detrimental to the proper control and regulation of greyhound racing;
  - (b) the Participant's continued enjoyment of the rights and privileges conferred by the person would be prejudicial or contrary to the interests of GRNSW; and
  - (c) Rule 95(8)(a) applied.

### **Penalty**

11. The Stewards considered the entirety of the Participant's submissions including the following mitigating factors:
  - (a) the Participant demonstrated remorse;
  - (b) the Participant's personal circumstances that are not published here for privacy reasons; and
  - (c) the Participant has no prior antecedents that impact on penalty.
12. The Stewards considered the results of the post mortem performed on the greyhound which was conducted by an RSPCA Veterinarian. The results included that:
  - (a) the greyhound was denied necessary veterinary care for at least two weeks;
  - (b) a number of symptoms would have been displayed for a period of eight weeks which would have indicated that the greyhound required veterinary treatment; and
  - (c) the greyhound was subjected to significant unnecessary pain and suffering as a result of the failure to provide reasonable care and treatment.
13. The Stewards considered that the offences of which the Participant was convicted under the Act involved criminal acts in relation to the welfare and care of a greyhound that led to and resulted in the death of the greyhound. Such acts are intolerable in relation to greyhound racing in the opinion of the Stewards, GRNSW and the public.
14. For these reasons, the Stewards considered that the particular circumstances of this case are objectively very serious.
15. The Stewards considered that the principles of general deterrence impact upon the penalty. It requires a clear and unequivocal denunciation of the offences by the Stewards and GRNSW as the regulator of greyhound racing in NSW. The Stewards consider that there must be a strong precedent set to demonstrate that there will be zero tolerance in greyhound racing in relation to serious welfare offences.
16. The Stewards in consideration on the totality of the facts determined to impose a period of disqualification of 15 years was the appropriate penalty.



Stephen Dodd  
**Steward**  
**Greyhound Racing New South Wales**