

20<sup>th</sup> September 2020

## **NOTICE OF INTEGRITY HEARINGS PANEL RESULT – Mr Adam Burda**

**PANEL: Mr Timothy McGrath (Chair), Ms Tanya Johnston and Mr Graham Loch.**

**STEWARDS REPRESENTATION: Mr Derek Kordick, Risk and Compliance Manager and Mr Des Jonas, Chief Steward.**



### **Authorised for public dissemination.**

On 15<sup>th</sup> September 2020, Mr Burda appeared before the Integrity Hearings Panel (IHP) in relation to the circumstances surrounding the greyhound No Song being euthanased on 28<sup>th</sup> January 2020.

Following consideration of various sources of information, Stewards considered it appropriate to subsequently charge Mr Burda with the following charges:

1. Breaching Greyhounds Australasia Rule 106(1)(d) in that on 28<sup>th</sup> January 2020, Mr Burda failed to provide No Song with veterinary attention where it was apparent such attention was required. Stewards asserted that the observations Mr Burda made of No Song during him transporting No Song from West Richmond to the Gawler Greyhound Racing Club, should have caused Mr Burda to seek immediate veterinary attention to ensure the health and welfare of No Song was immediately attended to. Upon arrival at the Gawler Greyhound Racing Club, Mr Burda was directed by the GRSA On Track Veterinarian to seek immediate veterinary attention at a Veterinary Surgery. Upon examination of No Song by a qualified veterinarian at Adelaide Plains Veterinary Surgery, No Song was assessed to present with a severe neurological illness, and an opinion was advanced that humane euthanasia was the only appropriate course to adopt, that opinion was accepted by Mr Burda resulting in No song being euthanased, and;
2. Breaching Greyhounds Australasia Rule 106(3)(b) in that Mr Burda failed to notify the Controlling Body, namely GRSA, within 2 working days, that No Song had been humanely euthanased by a veterinary surgeon. Information obtained by GRSA confirmed that No Song had been euthanased on 28<sup>th</sup> January 2020. Mr Burda lodged the necessary paperwork with GRSA on 3 February 2020, that date being outside of the prescribed period within which such notification must be provided (i.e.: close of business 30<sup>th</sup> January 2020 is the date within which such notice should have been provided).

Mr Burda elected to enter pleas of not guilty to each of the charges.

The IHP proceeded to hear submissions from Messrs Kordick and Jonas on behalf of the Stewards. Mr Burda was then given an opportunity to make submissions on each of the charges in response.

Following consideration of all materials and submissions, the IHP concluded that it could not be satisfied that Mr Burda was guilty of Charge 1, but found him guilty of Charge 2.

In relation to Charge 1, the IHP advised Mr Burda that despite the finding, it should be emphasised that the welfare and health of greyhounds is a matter of the most significant importance to GRSA. Further, any contravention or undermining of this primary foundation of greyhound racing, if proven, will likely be met with the most severe penalties available. The IHP formed the view that the level of attention that was afforded to No Song by Mr Burda on 28<sup>th</sup> January 2020, was clearly less than what was necessary to ensure its health and welfare as evidenced by its presentation upon arrival at Gawler Greyhound Racing Club. The sole consideration for the IHP was whether Mr Burda had intentionally or recklessly avoided providing No Song with the veterinary attention it required, that it would seem in hindsight, should have been apparent to a participant of Mr Burda's experience. The narrative of the day provided by Mr Burda, along with his experience of past medical difficulties experienced by No Song, left the IHP with sufficient doubt to find Mr Burda not guilty of this charge.

In relation to Charge 2, during the course of the proceedings, it became apparent that Mr Burda acknowledged his contravention of GA Rule 106(3)(b), despite his electing to proceed with a plea of not guilty from the outset. While emphasising the importance for strict compliance with notifications of this kind, it was accepted that the delay of 2 days was not an intentional act to undermine the purpose of the rule, namely, to ensure that GRSA are afforded an opportunity to investigate the circumstances of the passing of any greyhound – thus ensuring that the welfare and health of greyhounds remains a paramount consideration of the sport.

Mr Burda was polite and co-operative throughout the investigation of these matters, and throughout his appearance at the IHP inquiry.

In relation to penalty for Charge 2, submissions on penalty were sought from Stewards and Mr Burda. In considering those submissions, along with the circumstances of the offence and Mr Burda's positive contribution to greyhound racing over past years, the IHP have determined to finalise the matter as follows:

- Mr Burda will be fined \$200.

Both parties were advised of their right of appeal.



**Timothy McGrath**  
**GRSA INTEGRITY HEARINGS PANEL CHAIR**

