25 November 2020

**DECISION**

**GREYHOUND RACING VICTORIA**

**and**

**MR ALAN THARLE**

**Date of hearing:** 13 November 2020

**Panel:** Justice Shane Marshall (Deputy Chairperson) and Ms Maree Payne.

**Appearances:** Mr Marwan El-Asmar appeared on behalf of the Stewards.

Mr Alan Tharle represented himself.

**Charge:** Greyhounds Australasia Rule (“GAR”) 86(ah) states a person (including an official) shall be guilty of an offence if the person being a registered person or person associated with greyhound racing, associates with a disqualified person for the purposes of greyhound racing.

 GAR 86(d) states a person (including an official) shall be guilty of an offence if the person being an owner, trainer, attendant or person having official duties in relation to greyhound racing, makes a false or misleading statement in relation to an investigation, examination, test or inquiry, or makes or causes to be made a falsification in a document in connection with greyhound racing or the registration of a greyhound.

**Particulars of charge: Charge 1**

1. THAT you are and were at all relevant times a public trainer licenced by Greyhound Racing Victoria (GRV) (licence number 213941) and a person bound by the Greyhounds Australasia Rules (GAR) and Local Racing Rules (LRR).
2. THAT on 31 July 2020, you were witnessed by Greyhound Racing Integrity Unit (GRIU) Investigative Stewards associating with a GRV Disqualified Participant Mr Barry THARLE (member number 19482) at a registered kennelling premises, namely, 65 Devon Road, Devon Meadows, Victoria, in that you were engaged in the training and educating of five (5) greyhounds for racing.
3. THAT you stated you had engaged in the same conduct on three (3) other occasions at the same property that same week.
4. THAT you were aware your brother, Barry THARLE had been disqualified for life by GRV.

**Charge 2**

1. THAT you are and were at all relevant times a public trainer licenced by Greyhound Racing Victoria (GRV) (licence number 213941) and a person bound by the Greyhounds Australasia Rules (GAR) and Local Racing Rules (LRR).
2. THAT on 31 July 2020, Greyhound Racing Integrity Unit (GRIU) Investigative Stewards conducted an investigation at a GRV registered kennelling premises, namely, 65 Devon Road, Devon Meadows, Victoria 3977.
3. THAT during this investigation you made a false statement to the GRIU Investigative Steward regarding the true identity of Disqualified Participant Mr Barry THARLE (member number 19482), in that you identified him as ‘Barry HARPER’.

*Investigator: You’re in the bullring with who? Who’s your offsider helping you today”?*

*Tharle: “Um Ah, Barry. HARPER. He hasn’t got a licence”.*

1. THAT you later admitted to Greyhound Racing Integrity Unit (GRIU) Investigative Stewards that you had provided a false name regarding the identity of Mr Barry THARLE (member number 19482).

**Plea:** Guilty

**DECISION**

1. Mr Alan Tharle is a registered greyhound trainer whose registration was suspended on 3 August 2020. He has been a greyhound trainer for over 30 years. His registration was suspended by Stewards pending the hearing of serious charges alleged against him.
2. The first charge is that he was a registered person who associated with a disqualified person for the purposes of greyhound racing. The second charge is that he made a false statement in relation to an investigation in connection with greyhound racing. He has pleaded guilty to both charges. The first charge is under Greyhounds Australasia Rule (“GAR”) 86(ah) and the second under GAR 86(d).
3. On 31 July 2020, investigative Stewards conducted a kennel inspection at the registered kennel address of Chris Constantinou. At the premises, they observed two men training and educating greyhound pups. The men were registered trainer Alan Tharle and disqualified former trainer Barry Tharle. Alan Tharle told investigative Stewards that Barry Tharle’s name was “Barry Fulton”. Barry Tharle gave his name as “Barry Harper”. It seems evident that both Tharles would have been aware that Barry Tharle should not be on a registered trainer’s property helping to train greyhounds when disqualified; see GAR 99(2)(d).
4. Mr Alan Tharle claimed that he did not know that it was an offence for a registered person to associate with a disqualified person for the purposes of greyhound racing. Mr Alan Tharle took steps to deceive the Stewards about Barry Tharle’s identity. We find it hard to accept his explanations. We find him guilty of the charge. We take into account his guilty plea and previous impeccable record in setting a penalty. We also take into account previous penalties in like matters. On the first charge, we impose a penalty of 12 months suspension. That penalty reflects the seriousness of the charge and preserves the integrity of the disqualification orders against Mr Tharle’s brother.
5. On the second charge of making a false statement in relation to an investigation, we note that this is also a very serious charge that strikes at the integrity of greyhound racing. We are also satisfied it is made out. In setting a penalty, we take into account the matters taken into consideration in imposing a penalty on the first charge. The penalty on the second charge is 6 months suspension. It is to be served concurrently with the penalty in charge one.
6. The 12 months suspension is backdated to 3 August 2020.
7. The Stewards asked for periods of disqualification. We declined to do so because recent cases on similar charges have not resulted in periods of disqualification. That is not to say that will not happen in the future in an appropriate case. Given Mr Tharle’s cooperation with the Stewards, guilty plea and impeccable record, this case is not an appropriate vehicle.

Kathleen Scully
Assistant Registrar, Victorian Racing Tribunal