15 December 2020

**DECISION**

**GREYHOUND RACING VICTORIA**

**and**

**COLIN DALTON**

**Date of hearing:** 8 December 2020

**Panel:** Judge John Bowman (Chairperson) and Mr Des Gleeson.

**Appearances:** Mr Anthony Pearce appeared on behalf of the Stewards.

Mr Colin Dalton represented himself.

**Charge:** Greyhounds Australasia Rule (GAR) 86 (q) states a person (including an official) shall be guilty of an offence if the person-

 (q) commits or omits to do any act or engages in conduct which is in any way detrimental or prejudicial to the interest, welfare, image, control or promotion of greyhound racing.

**Particulars of charge:** In the vicinity of the wash bay at the Healesville Greyhound Racing Association during a race meeting held on 2 February 2020, shortly after Race 10 you Mr Colin Dalton, being a registered person with GRV, engaged in conduct which is detrimental or prejudicial to the interests and/or image and/or promotion of greyhound racing by deliberately squirting Mr Tony Cortese with a hose during a verbal exchange between you and Mr Tony Cortese.

**Plea:** Not Guilty

**DECISION**

Mr Colin Dalton, you have pleaded “Not Guilty” to a breach of GAR86(q), which essentially relates to conduct detrimental and prejudicial to the image of greyhound racing.

The charge involves events at Healesville on 2 February 2020. You were the trainer of Monty Python, which competed in Race 10. The dog has a history of aggression. After the race, you did not go to the catching pen, as you have had health problems, and, as stated, the dog is aggressive. You sent a younger, stronger man. Apparently, an incident occurred in the catching pen and a dog trained by Mr Tony Cortese may have been bitten by your dog.

In any event, you went to the wash bays to hose down and clean Monty Python. Mr Cortese arrived as you were doing this. Video footage was shown of what then occurred. We might add that the whole incident, the subject of this charge, took less than one minute. Mr Cortese placed his dog in a wash bay diagonally opposite you. It is apparent, and we accept, that he adopted an aggressive attitude towards you because of what had occurred in the catching pen. He was leaning towards you and we accept that he was being abusive and using bad language. You then raised the hose that you were using and squirted water over him. We do not accept that this was accidental. We are comfortably satisfied that you deliberately hosed him, even if it was only for a very brief period. However, we accept that this was no accident. It was a deliberate action.

We do not accept your proposition that you could not have simply backed off and moved away because of a lack of space. The video and the photograph taken from it show that, for example, there was clearly room for a person to pass between you and the wall comfortably and indeed this happened.

Various other matters have been raised, but the bottom line is that we are comfortably satisfied that the charge has been made out. We accept that you were not the original aggressor and that you have been in poor health. Mr Cortese looks to be a man significantly bigger and stronger than yourself.

However, these are matters that go more to the question of penalty. In short, we find the charge proven and to approach in relation to guilt or innocence is dismissed.

We shall now move on to the appeal penalty.

**PENALTY**

In relation to penalty, we have heard what both you and Mr Pearce on behalf of the Stewards have had to say. Participants in the industry must always be aware of avoiding behaviour detrimental to its image. What occurred in this case occurred in a public area. Licensed persons must always be conscious of the need to protect the reputation and image of greyhound racing. We accept that you have given much service to the greyhound industry over many years. You have performed work for it when you were in the construction industry. You have served on committees. Whilst you have previously breached this Rule, we do not regard that as being particularly significant, when balanced against your involvement and contribution for in excess of 45 years.

In relation to this particular offence, we are satisfied that you were not the instigator or the aggressor of it. We accept that Mr Cortese was. That does not excuse your conduct, but it seems to us that the penalty imposed on you should be less than the penalty he received. Bearing in mind that you were not the instigator, the circumstances generally and your service and participation over so many years, we uphold the appeal against penalty.

We impose a penalty of suspension for 1 month in turn fully suspended for a period of 12 months and a fine of $350.

Mark Howard
Registrar, Victorian Racing Tribunal