30 December 2020

**STAY APPLICATION**

**GREYHOUND RACING VICTORIA**

**and**

**CRAIG WEBB**

**Date of hearing:** 30 December 2020

**Panel:** Justice Shane Marshall (Deputy Chairperson) and Mr Des Gleeson.

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

 Mr Craig Webb represented himself.

**Stay application:** 6 month suspension of Mr Webb’s Greyhound Racing Victoria licence from 21 December 2020 under Greyhounds Australasia Rule 86 (q).

**DECISION**

1. Mr Craig Webb is a registered greyhound trainer. On 21 December 2020, Stewards of Greyhound Racing Victoria (“GRV”) conducted an enquiry into his conduct at the Bendigo greyhound racetrack on 9 December 2020 and at a kennel inspection at his property on 10 December 2020 and during a phone call with Stewards on that day.
2. Stewards, after completing the investigation, charged Mr Webb under Greyhounds Australasia Rule (“GAR”) 86(q) with conduct detrimental or prejudicial to the interest, welfare, image, control or promotion of greyhound racing.
3. Mr Webb pleaded not guilty. The Stewards found him guilty and imposed a penalty of 6 months suspension, taking into account, amongst other matters, that it was his third offence against GAR86(q).
4. Mr Webb filed an appeal to the Tribunal from the decision of the Stewards. The sole ground of appeal in the appeal notice was related to the severity of the sentence. In addition to the 6 months suspension imposed, the finding of guilt on 21 December 2020 enlivened the suspended portion of a penalty imposed on 3 August 2020. That penalty of 3 months was cumulative with the 6 month penalty, resulting in a total suspension of 9 months.
5. As the Tribunal is currently dealing with a stay application and not the substantial appeal on penalty, it was necessary to deal with the facts and circumstances of the offence.
6. On a stay application, a preliminary question may arise as to whether there is any utility in granting the stay. For the following reasons, we consider that there is not in this case. The coming into effect of the 3 months penalty suspended on 3 August 2020 arose as a result of the finding of guilt on 21 December 2020. Even if the Stewards had imposed no extra penalty in respect of the events on 9 and 10 December 2020, a 3 month suspension would have arisen merely from a finding of guilt on 21 December 2020. That finding is not challenged by the appeal. The Registrar has arranged a hearing of the appeal for 18 January 2021, inside the time of the previously suspended period of 3 months. In these circumstances there is no utility in granting a stay. We dismiss the application for a stay of the Steward’s decision on penalty given on 21 December 2020.
7. The early listing of the appeal has ameliorated any hardship arising from a rejection of the stay application.

Mark Howard
Registrar, Victorian Racing Tribunal