2 March 2022

**DECISION**

**GREYHOUND RACING VICTORIA**

**and**

**DOUGLAS BLAKE**

**Date of hearing:** 22 February 2022

**Panel:** Justice Shane Marshall (Deputy Chairperson) and Dr June Smith.

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

Mr Douglas Blake represented himself.

**Charges:** Greyhounds Australasia Rule (“GAR”) 86(o) states:

 A person (including an official) shall be guilty of an offence if the person-

(o) has, in relation to a greyhound or greyhound racing, done a thing or omitted to do a thing which in the opinion of the Stewards is negligent, dishonest, corrupt, fraudulent or improper or constitutes misconduct.

GAR 86(e) states:

A person (including an official) shall be guilty of an offence if the person-

(e) being an owner, trainer, attendant or a person having official duties in relation to greyhound racing, refuses or fails to attend or give evidence at an inquiry, or produce a document or other things in relation to an investigation, examination, test or inquiry to these Rules when directed by the Controlling Body, Stewards or the committee of a club to do so.

**Particulars of charges: Charge 1: GAR 86(o)**

1. You were, at all relevant times, a attendant registered with Greyhound Racing Victoria (“GRV”) (Member No. 22879) and a person bound by the Greyhounds Australasia Rules (“GAR”) and Local Racing Rules (“LR”).
2. In March 2020, you had the sole care and control of approximately thirty (30) registered greyhounds kennelled on the property situated in Rupanyup, Victoria (“the property”).
3. Between March 2020 and October 2020, you have, in relation to greyhound racing, done a thing which in the opinion of the stewards was negligent, improper and/or constitutes misconduct, in that:

(a) you were the person responsible for the removal of all thirty (30) greyhounds from the property.

(b) You failed to keep records or details of the relocation of twenty-three (23) of these greyhounds (as per attached list) and their fate remains unknown.

 List of Greyhounds:

1. “Lady Pippa” (VEOTX).
2. “Saucy Sav” (VFLWL).
3. “Call Me Minion” (VDHLQ).
4. “Bellini Martini” (VCKIX).
5. “Major Lachy” (QDAFG).
6. “Thunder Opal” (NCEJT).
7. Un-named (VDHLO) - Fawn bitch from “Nitro Burst”/“Typhoon Mahte” Litter whelped 2014.
8. Un-named (VDHLP) - Black bitch from “Nitro Burst”/“Typhoon Mahte” Litter whelped 2014.
9. Un-named (VDHLR) - Black bitch from ‘Nitro Burst’/’Typhoon Mahte’ Litter whelped 2014.
10. Un-named (VDHLS) - Black bitch from “Nitro Burst”/“Typhoon Mahte” Litter whelped 2014.
11. “Broke As Darcy” (VECXO).
12. “Morta Bella” (VDSLO).
13. “Bald Wal” (QDCAH).
14. “Baroness Jane” (VBQSG).
15. “Powerful Senor” (NDHIC).
16. “Iroquois Sharman” (NECAE).
17. “Raglan Bindi” (NDHHZ).
18. “Slipaway Penny” (VAIMQ).
19. “Stella Story” (VESMG).
20. “Zelemar Jim” (VESDT).
21. “Dark Origins” (VEQPN).
22. “Wynonna Earp” (VEQPO).
23. “Gypsy Magic” (VBJ6539).

**Charge 2: 86(e)**

1. You were, at all relevant times, a attendant registered with Greyhound Racing Victoria (“GRV”) (Member No. 22879) and a person bound by the Greyhounds Australasia Rules (“GAR”) and Local Racing Rules (“LR”).
2. On 7 December 2020, Investigative Stewards opened an Inquiry with you in person at the Bendigo Greyhound Track into breaches of the Rules. This Inquiry was adjourned.
3. On 16 March 2021, Investigative Stewards served a “Notice of Inquiry” on you via the email address listed on your FastTrack Account. This Notice required you to attend the re-opening of the Inquiry to be held via telephone 18 March 2021 at 1pm. This email contained the request for you to provide a current telephone number to enable the Inquiry to be conducted.
4. On 18 March 2021 at 1pm, no current phone number had been supplied by you and you failed to attend an inquiry as directed by the Stewards.

**Pleas:** Guilty to Charge 2

 Charge 1 withdrawn by the Stewards

**DECISION**

1. At all material times, Mr Douglas Blake was a registered attendant. He assisted his wife, Ms Katherine Brooks, with the care of greyhounds owned by her at her kennel address.
2. During the period 1 July 2020 to 24 November 2020, Mr Blake assisted Ms Brooks to rehome approximately 23 greyhounds. Ms Brooks failed to keep records of the rehoming. Investigative Stewards held an inquiry with her on that topic and sought input from Mr Blake.
3. Stewards of Greyhound Racing Victoria (“GRV”) have charged Mr Blake with failing to attend a Stewards’ inquiry, as directed by them under Greyhounds Australasia Rule (“GAR”) 86(e). Mr Blake has pleaded guilty to the charge. It was not an early plea, he having previously said at the directions hearing that he would plead not guilty.
4. Investigative Stewards opened an inquiry with Mr Blake on 7 December 2020. Mr Blake was asked to attend to give details of where the greyhounds had been rehomed, given that he was involved in the rehoming. The inquiry was reconvened by telephone on 12 March 2021, but Mr Blake was not able to participate, as he was enroute to see his doctor. An attempt to contact Mr Blake on 13 March 2021 by telephone failed. Ultimately, Mr Blake was contacted by email and acknowledged receipt of that email. The email referred to a resumed inquiry on 18 March 2021 at 1pm. However, when contacted on that day, Mr Blake made no attempt to answer his telephone. He had a duty under the Rules to facilitate his participation in the inquiry.
5. The Stewards submitted that the appropriate penalty in all the circumstances, taking into account the mental health issues confronting Mr Blake at the relevant time, should be three months disqualification. Mr Blake agreed that this was an appropriate penalty. We concur with that view. Failing to participate in a Stewards inquiry undermines probity in the sport of greyhound racing. It is not to be tolerated. But for considerations concerning Mr Blake’s health at the time and the fact that he has no similar prior transgressions in a long history in the greyhound racing industry, we would have imposed a higher penalty. The disqualification for 3 months shall commence today.

Kathleen Scully
Assistant Registrar, Victorian Racing Tribunal