14 February 2022

**DECISION**

**GREYHOUND RACING VICTORIA**

**and**

**GARRY HARDING**

**Date of hearing:** 1 February 2022

**Panel:** Magistrate John Doherty (Deputy Chairperson) and Judge Julie Nicholson.

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

Mr Garry Harding represented himself.

**Charge:** Local Racing Rule (“LR”) 42.18(b) states:

Subject to 42.19 but without derogating from LR 42.13 to LR 42.15, it is a Serious Offence for a person to:

(b) Attempt to possess, or have possession of, or bring onto, any grounds, any premises or within the boundaries on any property where greyhounds are trained, kept or raced, any animal, any animal carcass or any part of an animal for the purpose of being or which may reasonably be capable of being, or likely to be used as bait, quarry or lure to entice or excite or encourage a greyhound to pursue it.

**Particulars of charge:** 1. That you were, at all relevant times, a trainer registered with Greyhound Racing Victoria (“GRV”) (Member No 315296) and a person bound by the Greyhounds Australasia Rules (“GAR”) and Local Racing Rules (“LR”).

2. That you were, at all relevant times, the person responsible for the care and supervision of greyhounds housed at your registered kennelling premises in Laharum, Victoria (“the premises”).

3. That on 26 November 2020 Investigators located on your premises part of an animal, being fur/hair, in the form of sheepskin.

4. That you had in your possession, on the premises where greyhounds are trained and/or kept, a part of an animal, being fur/hair in the form of sheepskin, which may reasonably be capable of being, or likely to be used as bait, quarry or lure to entice or excite or encourage a greyhound to pursue it.

**Plea:** Guilty

**DECISION**

Mr Garry Harding has pleaded guilty to a breach of Local Racing Rule (“LR”) 42.18(b). On 26 November 2020, Stewards arrived at his registered kennel address. There they found a tanned skin tied to a fishing buoy that appeared to be made for the purpose of a lure. It appeared to be partially made of sheepskin. During an inquiry with Stewards, Mr Harding admitted to making the lure for pups to chase but it had not been used for that purpose as he had not had any pups. The lure was capable of being used to encourage greyhounds to pursue it.

At a later inquiry on 23 December 2020, Mr Harding admitted that he made the lure approximately around 12 – 18 months previously by tying some moleskin offcuts to a fishing buoy with wire rope. It was made as a form of entertainment for an injured greyhound particularly to keep the dog quiet at night. Further, the lure was used for about a month until the injured greyhound was returned to its original kennel. Thereafter, the lure remained on a tank stand for about 12 months, unused. Today Mr Harding confirmed that the material on the lure was sheepskin sourced from a friend in Wangaratta.

Breaches of this Rule carry a life disqualification unless there are special circumstances that exist. The Stewards concede that special circumstances exist in this case. We agree with that concession. Mr Harding never used the lure for a prohibited purpose. He has been involved in the greyhound racing industry for over 30 years and, although he has incurred race day penalties and had two infractions of the prohibited substances Rules, he has no previous breaches of the Rule to which he has pleaded guilty. In addition to his plea, he has cooperated with the Stewards. The lure itself was not part of animal. In our view and consistent with the case of Ms Diane Dooley, this combination of factors is sufficient to give rise to special circumstances and to be taken into account on the question of penalty.

In our view, a period of 12 months disqualification of Mr Harding’s training licence is warranted. It is consistent with previous penalties applied by this and other Tribunals and takes account of the need to apply principles of deterrence and particularly of general deterrence. A period of 12 months disqualification is imposed.

Kathleen Scully
Assistant Registrar, Victorian Racing Tribunal