10 August 2021

**DECISION**

**GREYHOUND RACING VICTORIA**

**and**

**IVAN CHIRCOP**

**Date of hearing:** 21 July 2021

**Panel:** Judge John Bowman (Chairperson) and Mr Greg Childs.

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

Mr Lynton Hogan represented Mr Ivan Chircop.

**Charge:** Greyhounds Australasia Rule (“GAR”) 105(4)(i) states:

A registered person shall within 3 working days of a greyhound coming pursuant to or leaving the person’s care or custody, give notice to the Controlling Body of that occurrence.

 GAR 86(p) states:

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

(p) disobeys or fails to comply with the lawful order of a Steward or other person or body having official duties in relation to greyhound racing.

**Particulars of charges: Charge 1**

1. You were, at all relevant times, a trainer registered with Greyhound Racing Victoria (“GRV”) (Member No. 234711) and a person bound by the Greyhounds Australasia Rules and Local Racing Rules.
2. On 11 February 2020, an audit was conducted of greyhounds that were under your care during a kennel inspection at your kennel address of 410 Haddon School Rd, Haddon, during which:
3. 20 greyhounds were identified as having come into your care or custody which had not been added to your FastTrack Account, and in respect of which you had not otherwise given notice to the Controlling Body; and
4. 6 greyhounds were identified as having left your care or custody, which had not been removed from your FastTrack Account and in respect of which you had not otherwise given notice to the Controlling Body.
5. None of these greyhounds identified had arrived or left your property within 3 working days of the kennel inspection.

**Charge 2**

1. You were, at all relevant times, a trainer registered with Greyhound Racing Victoria (GRV) (Member No. 234711) and a person bound by the Greyhounds Australasia Rules and Local Racing Rules.
2. On 17 April 2020, a Letter of Direction from Investigative Stewards of Greyhound Racing Victoria (GRV) was personally served on you and directed you to:

*“update your FastTrack records to ensure the greyhounds listed on your account, and within your kennel, is an accurate representation of the greyhounds that are currently on your property…..*

*All FastTrack records need to be updated and be an accurate record of your kennel on or before 30th of April 2020”*

(**the Direction**)

1. You failed to update your FastTrack records on or before 30 April 2020 as directed by the Direction and these records remained to be an inaccurate record of greyhounds on your property.

**Plea:** Guilty

**DECISION**

Mr Ivan Chircop, you have pleaded “guilty” to two charges. These are firstly a breach of Greyhounds Australasia Rule (“GAR”) 105(4)(i), which could be summarised as a failure to give notice to the controlling body of greyhounds coming into or leaving your care, and secondly, a breach of GAR 86(p) – failing to comply with a lawful order of a Steward.

Charge one is not a serious offence, but in the circumstances, has been dealt with at the same time as the second charge, which is a serious offence. This is by consent and subject to the provision of the required paperwork.

The offences involve a visit by the Stewards to your property at Haddon, being the registered kennel address, on 11 February 2020. An audit was conducted, and there were six greyhounds not there that were expected to be there, and 20 greyhounds there that were not so expected.

We say now that we accept completely that you adopt and try to place problem or injured greyhounds, both through the Greyhound Adoption Program (“GAP”) and privately. This is very much to your credit. You also have on your 20 acre property some 15 or 16 racing dogs. We can also say now that there is no suggestion that all the dogs are not properly looked after, cared for and kennelled. We accept that you do a very good job in this regard.

Returning to the sequence of events, on 2 March 2020 the Stewards sent you an email requiring updating of the location of dogs for the purposes of your FastTrack account and requesting that this be done as a matter of priority. This did not occur. There were further requests on 11 March 2020 and 26 March 2020. Finally, a Letter of Direction was personally served on 17 April 2020, insisting on compliance by 30 April 2020. When no changes had been made to your FastTrack account by 1 May 2020, Stewards again warned you that you needed to take immediate action. When no such action was taken, on 9 May 2020 a Notice of Inquiry was served, ultimately leading to these charges being laid.

You are 47 years of age and have been registered as a public trainer since 2008. You are also qualified as a mechanical engineer, but have devoted yourself to greyhound racing since a partnership problem in your previous occupation. You have had a couple of significant health problems, particularly in recent years. There have been mental health issues, for which you still receive assistance. In addition, you have had physical health problems in recent times, requiring radiation treatment, hospitalisation and therapy. We note also that you have very limited computer skills, although you are doing your best to improve in that regard.

Overall, we accept that things got away from you in relation to the requirements to fulfil your FastTrack duties, resulting in your failure to comply with the requests of the Stewards and the updating of the FastTrack records.

These are very important matters. Whilst there is no suggestion of animal welfare issues in this case, FastTrack records have the potential to be of great assistance in that regard. The Stewards are very busy people. Cooperating with them and having compliance with their requests and orders are particularly important obligations. Matters of general deterrence must be considered.

You do have a prior offence for making a false statement to the controlling body. On 31 October 2018, you received a penalty of six months suspension, wholly suspended. That is not identical to the current charges, but does also involve the working relationship with the Stewards. However, the 2018 offence is more of a deliberate offence.

In all the circumstances, we are of the view that the penalty suggested by the Stewards is fair and appropriate. That penalty is that on each charge, you are suspended for three months and that penalty is in turn suspended for a period of 12 months. The penalties are concurrent.

Finally, we commend you on the very good work that you do for greyhounds and we are confident that you will not breach the suspended penalties imposed.

Kathleen Scully
Assistant Registrar, Victorian Racing Tribunal