20 April 2020

**DECISION**

**GREYHOUND RACING VICTORIA**

**and**

**MR JEFFREY FRUSHER**

**Date of hearing:** 16 April 2020

**Panel:** Judge John Bowman (Chairperson) and Justice Shane Marshall (Deputy Chairperson).

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

Mr Brian Parkinson appeared on behalf of Mr Frusher.

**Charge:** 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, premises or within the boundaries of any property where greyhounds are trained, kept or raced, any animal, animal carcass or any part of an animal for the purpose of being, or which might 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; or

**Particulars of charge:**

Mr Frusher, being a person registered with Greyhound Racing Victoria (GRV), did have possession of, or bring onto your grounds, premises or within the boundaries of your property where greyhounds are trained or kept, an animal carcass for the purpose of being, or which might 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, in that:

1. You were at all relevant times, a public trainer registered and a person bound by the GRV Rules of Racing, including Greyhounds Australasia Rules and Local Racing Rules.
2. On 30 April 2019, GRV Welfare Inspectors Ms Lianne Salerno and Mr Andrew Watson **(the GRV Welfare Inspectors)** attended at your registered to undertake a kennel inspection.
3. During the Kennel inspection, the GRV Welfare Inspectors found a rabbit skin lure on a chair in your kennel area.
4. You had possession of, or brought within the boundaries of your property, the lure for the purpose of using it as, or which might reasonably be capable of being, or likely to be used as bait, quarry or lure to entice, excite or encourage a greyhound to pursue it.

**Plea:** Guilty

**DECISION**

1. Mr Jeffrey Frusher has pleaded guilty to a breach of Local Racing Rule 42.18 (b). On 30 April 2019, Stewards arrived at his registered kennel address. There they found an old rabbit skin lure. The lure was capable of being used to encourage greyhounds to pursue it.
2. Mr Frusher had not used the lure for the purpose of encouraging greyhounds to pursue it, but used it about 5 years ago to call greyhounds back into their kennels. It was given to him by a friend 5 years ago and he has not used it since then. He made no attempt to hide it from the Stewards but it was against the rules of racing to possess it so he should have discarded it.
3. Breaches of this Rule carry a life disqualification, unless there are special circumstances. The Stewards concede the special circumstances exist in this case. We consider that there are special circumstances in this case. The first is that Mr Frusher never used the lure for a prohibited purpose. The second is that he has been a registered person for 45 years and has only had one other prior transgression for a prohibited substance related matter. In all the circumstances we consider that a 12 month disqualification is appropriate. The disqualification shall commence on the date of the Stewards imposed suspension on 2 May 2019. In imposing that penalty we take into account the importance of general deterrence.

Mark Howard
Registrar, Victorian Racing Tribunal