11 March 2020

**DECISION**

**GREYHOUND RACING VICTORIA**

**and**

**MR KEVIN CHIVELL**

**Date of hearing:** 5 March 2020

**Panel:** Judge John Bowman (Chairperson) and Dr Andrew Gould.

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

Mr Kevin Chivell represented himself.

**Charge:** Local Racing Rule 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, 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;

**Particulars of charge:**

1. You are, and were at all relevant times, a trainer licensed by Greyhound Racing Victoria and a person bound by the GRV Rules of Racing, including the Greyhound Australasia Rules and Local Racing Rules.
2. On 21 February 2019, GRV Welfare Inspectors Mr Andrew Watson and Ms Bianca Anselmo attended your registered kennel address to undertake a kennel inspection.
3. During the kennel inspection at your property, the GRV welfare inspectors entered the food preparation area of a shed and found three rabbit carcasses, two of which were located in a plastic bag inside a fridge freezer and one of which was located in a plastic bag inside a chest freezer.
4. You had possession of the rabbit carcasses 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, excite or encourage a greyhound or greyhounds to pursue one or more of them.

**Plea:** Guilty

**DECISION**

Mr Kevin Chivell, you have pleaded ‘Guilty’ to a breach of Local Racing Rule 42.18(b). The circumstances are that on 21 February 2019 Stewards attended at your registered kennel address. In the food preparation shed, they found three rabbit carcasses – two in a plastic bag in a fridge freezer and one in a chest freezer. There is no argument but that these were capable of being used as bait or as a lure to encourage greyhounds to pursue them.

It is also not challenged but that you had not so used the carcasses. Your explanation is that essentially you forgot all about them. Apparently, a dog, not a greyhound, belonging to a friend had killed them and the carcasses were simply put in the freezers and forgotten.

Breaches of this Rule carries a penalty of life disqualification, unless there are special circumstances. In the present case, the Stewards accept that there are special circumstances. We agree.

You are aged 57 years. Your working life has been spent in the greyhound industry. You have been a public trainer for in excess of 30 years. Prior to that you had worked at Olympic Park before it was closed. As well, you also worked for Harness Racing Victoria from 1992 until 2019. Further, you have worked for Racing Victoria Limited since 1982 as a barrier attendant. Your only prior offence of any note was a fine of $500 for a prohibited substance offence in 2016.

Thus, you have an excellent record embracing the three codes.

However, what is now apparent is that if you are disqualified, you will be compelled to resign your employment as a barrier attendant. This matter was previously adjourned to enable you to make enquires in that regard. A letter from RVL of 26 February 2020 confirms that should you be disqualified, your employment as a race day official cannot continue.

As stated, the Stewards accept that the special circumstances exist, and we agree.

Breaches of this Rule are very serious matters and with obvious potential to damage the industry. This has already occurred in a couple of very high profile cases.

Unfortunately, despite the ramifications in relation to your employment of 38 years as a barrier attendant, it may well come to an end. Despite these problems, which have been very troublesome for you and your wife, we are of the view that a period of disqualification must be imposed. We also take into account that you have been suspended since February 2019.

In all the circumstances, which are conceded to be special and which are quite unusual in relation to employment and the like, we are of the view that a period of disqualification of 12 months is appropriate. The disqualification shall commence from 22 February 2019, the date your period of suspension commenced.

Mark Howard
Registrar, Victorian Racing Tribunal