17 June 2020

**DECISION**

**GREYHOUND RACING VICTORIA**

**and**

**MR PETER DUNLEVEY**

**Date of hearing:** 15 June 2020

**Panel:** Judge John Bowman (Chairperson).

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

Mr Peter Dunlevey represented himself at the hearing.

**Charges:** Greyhounds Australia Rule (GAR) 86(ag)states a person (including an official) shall be guilty of an offence if the person-

fails to comply with a policy adopted by a Controlling Body.

 GAR 86(q) states a person (including an official) shall be guilty of an offence if the person-

commits or omits to do any act or engages in conduct which is in any way detrimental or prejudicial to the interest, welfare, image, control or promotion of greyhound racing.

**Particulars of charges:** Investigative Stewards charged Mr Dunlevey with a breach of GAR 86 (ag) in that he brought an interstate greyhound to a racetrack without complying with the applicable GRV Policy. Investigative Stewards further charged Mr Dunlevey with breach of GAR 86 (q) in that he knowingly provided false and misleading statements and evidence to GRV staff and Investigative Stewards when questioned regarding his actions.

**Plea:** Guilty

**DECISION**

Mr Peter Dunlevey, you are appealing against a decision of the Stewards on 2 June 2020. That decision relates to two charges.

On the charge of breaching Rule 86 (ag) you were fined $250. On a charge of providing false and misleading statements to GRV staff on two occasions, both of these being on 2 June 2020, you were suspended for 3 months, with 1 month of that suspension being suspended for 12 months. In essence, you are appealing against the severity of those penalties, and particularly the period of suspension.

The background to the charge is this. You train the dog Sapphire Ruby. It was brought to you from New South Wales at the time the industry had been alerted to an interstate canine gastric outburst. Of course, the coronavirus epidemic was also on foot. Strict measures applied to the movements of greyhounds delivered from interstate.

On 2 June 2020, you took Sapphire Ruby to the Bendigo track where a late morning meeting was being conducted. The purpose of this was to have a veterinary surgeon effectively sign off on the dog. This was a totally wrong procedure.

The purpose of the GRV policy was clear and had been notified to industry participants. Greyhounds from interstate were not to be brought to the track and put in contact with other dogs without there having been obtained a veterinary clearance. You took the dog to the track and in fact kennelled it there, amongst other dogs, for something in the vicinity of a 2-hour period, whilst you made enquiries and the like. This was a clear and risky breach of the policy.

Further, when what was occurring was brought to the attention of Stewards, you were interviewed twice and, on each occasion, made false and misleading statements. In all the circumstances, this made matters much worse. The Stewards have enough to do without being provided with wilfully false statements in relation to a very important matter.

Your background is that you are aged 51. You work full time and long hours as a baker in Cohuna and have done so for 35 years. I accept that on this day you were tired and under considerable pressure, your father being ill at the time that these offences occurred. You have regularly raced a handful of dogs over many years, but always as a hobby and great interest for you and your family. You accept a couple of dogs that are older or not particularly successful, race them and look after them. That is commendable, and you have an excellent record generally.

General deterrence in is an important factor in this case. Particularly at times of stress or risk for the industry, policies must be observed. Co-operation and honest dealing with the Stewards is always very important, particularly when there are the additional pressures that existed at this time.

Weighing all the matters up, it seems to me that the penalties imposed by the Stewards were fair and appropriate in the circumstances that were prevailing. As a result, the appeal is dismissed and the penalties of a fine of $250 and a period of suspension of 3 months, with 1 month suspended for 12 months, remain in place.

Mark Howard
Registrar, Victorian Racing Tribunal