13 May 2020

**DECISION**

**GREYHOUND RACING VICTORIA**

**and**

**MR PETER KELLY**

**Date of hearing:** 6 May 2020

**Panel:** Judge John Bowman (Chairperson) and Judge Marilyn Harbison.

**Appearances:** Mr Andrew Cusumano appeared on behalf of the Stewards

Mr Peter Kelly represented himself.

**Charge:** Local Racing Rule (LR) 47.6 states:

Any person who fails to abide by any decision of the Greyhound Racing Victoria (GRV) Racing Appeals and Disciplinary Board (RADB), including any order imposing a penalty or requiring a refund of any prize money paid, shall be guilty of a serious offence.

**Particulars of charge:**

1. You are, and were at all relevant times, a public trainer/breeder, licensed by GRV and a person bound by the Greyhounds Australia Rules and Local Racing Rules
2. On 25 June 2019, the GRV RADB found you guilty of an offence and activated a 10-month suspended suspension imposed by it on 8 October 2018, to be served immediately.
3. On 1 August 2019, you entered the Warragul Greyhound Racing Club racecourse, in contravention of LR 11.12, and watched trials from your vehicle.

**Plea:** Guilty

**DECISION**

Mr Peter Kelly, you have pleaded ‘guilty’ to a breach of LR 47.6. In essence, on 8 October 2018 you were suspended for a period of 12 months with 10 months of that in turn suspended. This involved a positive swab to a prohibited substance. You breached that suspension on 24 January 2019, so that the 10 month suspended suspension became activated by reason of a RADB order on 25 June 2019. Such suspension includes a prohibition on attending trials.

On the following day, 26 June 2019, you in fact attended a trial at Warragul, when you were warned by Mr Ron Matthews, Deputy Chief Steward, that you should not be in attendance at a trial. However, on 1 August 2019 you were seen in your parked car at the Warragul track, watching trials that were taking place. Thus, you were charged with breaching LR 47.6, a breach which you admitted.

Your situation is that you are 73 years of age and not in good health. You live on your own at Langwarry North. You have been a public trainer since 1988. Your record was very good until October 2018 when this sequence of events commenced. You have had only a couple of dogs in recent times and one retired greyhound as a pet at the present time. We accept that you are lonely and in poor health and that greyhounds have been a source of great interest for you.

However a breach of suspension, and to breach it after being given a warning for the same thing, is a serious matter. Both specific and general deterrence are important considerations. The industry must be very conscious of the fact that conditions associated with disqualification or suspension must be complied with to the letter. Otherwise, the operation of the whole system is challenged.

We are of the view that a term of suspension is warranted. The facts in your case and concerning your health and loneliness are unusual. Bearing all this in mind, we impose a penalty of 3 months suspension commencing this day.

Mark Howard
Registrar, Victorian Racing Tribunal