6 May 2020

**DECISION**

**GREYHOUND RACING VICTORIA**

**and**

**MR TONY CORTESE**

**Date of hearing:** 28 April 2020

**Panel:** Judge John Bowman (Chairperson) and Ms Amanda Dickens.

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

Mr Tony Cortese represented himself.

**Charges:** Greyhounds Australasia Rule (GAR) 86(p) states:

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

 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.

**Particulars of charges:**

**Charge 1**

1. You are and were at all relevant times a public trainer licenced by Greyhound Racing Victoria (GRV) and a person bound by the GAR and Local Racing Rules (LRR).
2. On 30 June 2019, you were issued with a lawful order by the Stewards to seek veterinary treatment ‘the next day’ for the registered greyhound ‘Ruth’s Girl’ (NGCKX);
3. You failed to seek veterinary treatment ‘the next day’ as directed by the lawful order of the Stewards.

**Charge 2**

1. You are and were at all relevant times a public trainer licenced by GRV and a person bound by the GAR and LRR.
2. On 12 December 2019, 2 official orders were sent to you by the Stewards via registered mail in relation to the whereabouts of the greyhounds ‘ELFIE’ (VBTYR) and ‘MY BABY PORSCHA’ (VBYCL), to which you were the registered owner;
3. On 19 December 2019, both official orders were received by you.
4. You failed to comply with the official orders as directed by the Stewards.

**Charge 3**

1. You are and were at all relevant times a public trainer licenced by GRV and a person bound by the GAR and LRR.
2. You were at the relevant time the registered owner of greyhounds ‘ELFIE’ (VBTYR) and ‘MY BABY PORSCHA’ (VBYCL);
3. You failed within 3 working days to give notice to the controlling body ‘Greyhound Racing Victoria’ regarding the change of ownership or location of the greyhounds ‘ELFIE’ (VBTYR) and ‘MY BABY PORSCHA’ (VBYCL).

**Plea:** Guilty

**DECISION**

Mr Tony Cortese, you have pleaded “guilty” to three charges. The first of these is a breach of Rule 86(p) – failing to comply with a Stewards order in relation to following up veterinary care.

A dog trained by you, Ruth’s Girl, was scratched at the Sandown meeting on 30 June 2019 as a result of a pre-race veterinary inspection. You were ordered to take the dog for a veterinary inspection on the following day, 1 July. In fact, this was not done until 3 July. The dog had a tarsal sprain. Your explanation was that there was no break and you did not think that the dog required a vet.

The second charge related to retired dogs My Baby Porscha and Elfie. Both were owned by you. By registered mail dated 12 February 2019 you were requested, effectively as part of an audit, to update their status and whereabouts. Whilst you do not dispute that the registered mail was delivered, at no stage did you respond to it. This is also a breach of Rule 86(p). You have no real explanation for this, save that your wife attends to the mail.

The third charge relates to a breach of Rule 105(4)(i). You failed to notify Stewards of a transfer of ownership of the two dogs referred to in charge 2. This charge resulted from an investigation some 6 months after the request made in charge 2. Apparently the two dogs had been given away by family members, which is no excuse.

Your situation is that you are aged 64. You have had a lifelong interest in dogs and been a licensed trainer since 1988. You have a number of prior convictions, none of them particularly serious, but they do indicate a problem in complying with some of the Rules in the way that you should. You and your family, all of whom are licensed, have some 20 dogs between you, including puppies. You are the registered owner of them, but train only one. You do not train outside the family circle. You and your family operate a pizza business.

Both general and specific deterrence are important in these cases. It is very important that the location and welfare of dogs can be checked and supervised. It is very important that there is compliance with orders of officials.

We do see a certain overlapping involving the second and third charges, which essentially concern a failure to account for the location and movement of registered greyhounds, a most important concern for the industry. However, as stated, there is some overlapping and we have borne that in mind.

The penalties we have arrived at are as follows:-

On charge 1 – a fine of $500

On charge 2 – a suspension for a period of 3 months

On charge 3 – a fine of $500 and a period of suspension of 3 months wholly suspended for 12 months providing there is no breach of this Rule during that period.

The suspension shall commence immediately.

Mark Howard
Registrar, Victorian Racing Tribunal