10 February 2022

**DECISION**

**GREYHOUND RACING VICTORIA**

**and**

**TONY TUFO**

**Date of hearing:** 13 January 2022

**Panel:** Judge Graeme Hicks (Deputy Chairperson) and Ms Judy Bourke.

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

Mr Tony Tufo represented himself.

**Charges:** Greyhounds Australasia Rule (“GAR”) 86(o) states:

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

(o) has, in relation to a greyhound or greyhound racing, done a thing, or omitted to do a thing, which, in the opinion of the Stewards or the Controlling Body, as the case may be, is negligent, dishonest, corrupt, fraudulent or improper, or constitutes misconduct.

 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: GAR 86(o)**

1. You are and were at all relevant times a public trainer/breeder licenced by Greyhound Racing Victoria (“GRV”) (licence number 24789) and a person bound by the Greyhounds Australasia Rules (“GAR”) and Local Racing Rules (”LR”).
2. You were at all relevant times the owner and trainer of greyhound “Oh My Fernando” (VGOJL).
3. On 28 February 2020 you drove Oh My Fernando to the property of a suspended GRV participant, Peter Kelly (licence number 3417) and kennelled the greyhound at this location, where it remained in the care and custody of the suspended person until 5 March 2020. In the opinion of the Stewards, relocating the greyhound Oh My Fernando to the premises of a suspended participant is negligent and/or improper.

 **Charge 2: GAR 105(4)(i)**

1. You are and were at all relevant times a public trainer/breeder licenced by Greyhound Racing Victoria (“GRV”) (licence number 24789) and a person bound by the Greyhounds Australasia Rules (“GAR”) and Local Racing Rules (“LR”).
2. You were at all relevant times the trainer of “Oh My Fernando” (VGOJL).
3. On 28 February 2020 Oh My Fernando (VGOJL) was relocated from your kennel address in Labertouche, Victoria, to the kennelling address of a suspended participant Peter Kelly (3417) in Longwarry North, Victoria, where the greyhound remained until GRV Investigative Stewards located the greyhound on 5 March 2020.
4. As a registered person, you failed to notify the Controlling Body (GRV) within 3 working days as to the greyhound Oh My Fernando (VGOJL) leaving your care or custody.

**Plea:** Guilty

**DECISION**

Mr Tony Tufo, you have pleaded guilty to breaching Greyhounds Australasia Rule (“GAR”) 86(o) and GAR 105(4)(i).

On 28 February 2020, you drove your greyhound, “Oh My Fernando”, to the kennel address of Mr Peter Kelly and left it there. Your greyhound had a cough and, as a result, you wanted to separate it from another greyhound located at your premises. You told this Tribunal that Oh My Fernando was not engaged in the Horsham Cup, but that the greyhound with which it had been housed was so engaged.

On 5 March 2020, Stewards contacted you whilst en route to your property. During this conversation you advised Stewards that Oh My Fernando had a cough and, as a result, you had relocated it to Mr Kelly’s property. You believed that Mr Kelly was a registered participant in the greyhound racing industry.

You pleaded guilty to Charge 1, on the basis that it was a negligent act on your behalf by not asking Mr Kelly if he was a suspended person. The Stewards have accepted that Charge 1 was based on you being negligent in not asking Mr Kelly if he was suspended. It was not an intentional or deliberate act on your behalf.

On 1 September 2020, Stewards conducted an inquiry into this matter. You confirmed that you had taken Oh My Fernando to Mr Kelly’s property and that it was your responsibility to inform the relevant authorities. This you did not do. You told Stewards that you did not know that Mr Kelly was a suspended person.

You have an excellent training record over a long period of time. You were registered in 1988 and, apart from a warning regarding not presenting your licence, you have no prior offences whatsoever. You have some 20 greyhounds at your premises at the moment and you also run a business in metropolitan Melbourne.

We have taken into account your pleas of guilty, your personal circumstances and your history within the greyhound racing industry. Principles of general deterrence and, to a lesser extent, specific deterrence have application in arriving at an appropriate penalty.

In all circumstances, on Charge 1 we impose a penalty of $2,000. On Charge 2, we impose a penalty of three months suspension, wholly suspended for a period of 12 months, and a fine of $500.

Kathleen Scully
Acting Registrar, Victorian Racing Tribunal