29 September 2021

**DECISION**

**GREYHOUND RACING VICTORIA**

**and**

**WAYNE GUMMOW**

**Date of hearing:** 27 September 2021

**Panel:** Justice Shane Marshall (Deputy Chairperson) and Judge Kathryn Kings.

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

Mr Wayne Gummow represented himself.

**Charge:** Greyhounds Australasia Rule (“GAR”) 86(p) states:

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

(p) Disobeys or fail to comply with the lawful order of a Steward or other person or body having official duties in relation to greyhound racing.

**Particulars of charge:** 1. You were, at all relevant times, a public trainer/breeder registered with Greyhound Racing Victoria (“GRV”) (Member No. 32641) and a person bound by the Greyhounds Australasia Rules (“GAR”) and Local Racing Rules (“LR”).

2. On 16 March 2021, you were issued with a lawful order by a Steward in the form of a GRIU Directions Notice. This Directions Notice required you to:

* Complete an Establishment Health Management Plan (“EHMP”) for your registered kennelling address by 23 March 2021;
* Provide evidence of the completed EHMP to the Investigative Steward listed on the Directions Notice; and
* Submit an online EHMP declaration.

3. You failed to comply with the conditions of the Directions Notice dated 16 March 2021.

**Plea:** Guilty

**DECISION**

1. Mr Wayne Gummow is a registered greyhound trainer. He has been a trainer since 2002, with breaks in that role. He has a good record of not contravening greyhound racing Rules. On 16 March 2021, Stewards of Greyhound Racing Victoria (“GRV”) directed him to provide an Establishment Health Management Plan (“EHMP”). An EHMP is a collection of protocols that describe how an establishment is managed and how greyhounds are cared for at particular establishments. A person in charge of at least one greyhound at an establishment is required from 1 January 2020 to complete an EHMP for their establishment and obtain the approval of a veterinarian. GRV provides a template for use by trainers. Any veterinarian, apart from those engaged in on course duties, can sign an EHMP if they agree with the protocols contained in it.
2. The direction to Mr Gummow on 16 March 2021 was to provide an EHMP by 23 March 2021. He failed to do so until 1 April 2021.
3. Mr Gummow’s reasons for not complying with the direction was that:
* It was a difficult task at the time to travel to a veterinarian to sign the document; and
* He was unsure about which veterinarian could sign it.
1. He has been charged with refusing to comply with a Steward’s direction.
2. In setting a penalty, we take into account Mr Gummow’s guilty plea and his good character and record. We also take into account penalties in recent like matters and the importance of complying with directions of the Stewards to promote the probity of greyhound racing. In all the circumstances, we impose a penalty of a $500 fine, with $300 suspended for 12 months on the condition that Mr Gummow not breach Greyhounds Australasia Rule (“GAR”) 86(p) in that period. This penalty reflects the fact that Mr Gummow was genuinely confused about his relevant responsibilities. That explains his conduct but does not excuse it, as the Rules must be complied with and all participants must familiarise themselves with the Rules governing their participation in the industry. The Tribunal will not consider failures to comply with completing an EHMP as necessarily resulting in a fine in the future.

Kathleen Scully
Assistant Registrar, Victorian Racing Tribunal