11 March 2025

**RULING**

**GREYHOUND RACING VICTORIA**

**and**

**DAVID PLUMRIDGE**

**Date of Hearing:** 12 February 2025

**Date of Ruling:** 12 February 2025

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

**Appearances:** Mr Anthony Pearce appeared on behalf of the Stewards.

Mr David Plumridge represented himself.

**Charges:** Greyhounds Australasia Rule (“GAR”) 30 states:

 (1) For the purpose of this rule “Barking Muzzle” means a muzzle of such description or other gear, equipment, apparatus or device, which in the opinion of the Stewards, was designed or intended to be used, in a manner that prevents or limits barking by restricting the ability of a greyhound to open its mouth.

(2) An offence is committed if a person uses a Barking Muzzle at any time, on any greyhound, unless:

(a) in circumstances approved by a Controlling Body; or

(b) used by a veterinarian for the sole purpose of examination or treatment.

(3) A person who breaches subrule (2) of this rule may be penalised.

GAR 156(w) states:

An offence is committed if a person (including an official):

(w) fails to comply with a policy or code of practice adopted by a Controlling Body.

**Particulars of charges:** On Thursday, 30 January 2025, Investigative Stewards held an Inquiry with Mr David Plumridge (26753) considering six (6) charges relating to a kennel inspection conducted at his registered property in Scoresby, Victoria on Monday, 23 September 2024.

It was alleged during the kennel inspection four (4) greyhounds were each wearing a barking muzzle.

Further, it was alleged that two (2) greyhounds were wearing racing muzzles for longer than 30 minutes.

**Charges 1 – 4: GAR 30**

Use a Barking Muzzle on a greyhound (Four counts).

Mr Plumridge pleaded guilty to the charges. The charges were found proven.

Investigative Stewards found charges proven and imposed the following penalty:

$800 fine, $400 of which was suspended for a period of twelve (12) months pending no further breaches of GAR 30 on each charge.

Suspension of GRV licence and registration for a period of three (3) months, wholly suspended for a period of twelve (12) months, pending no further breaches of GAR 30.

**Charges 5 – 6: GAR 156(w)**

Fail to comply with a policy or code of practice adopted by the Controlling Body Relates to a greyhound that was wearing a racing muzzle for longer than 30 minutes, in contravention

of section 6.2.5 of the Code of Practice for the Keeping of Racing Greyhounds.

Mr Plumridge pleaded guilty to the charges. The charges were found proven.

Investigative Stewards found charges proven and imposed the following penalty:

$200 fine was imposed, wholly suspended for a period of twelve (12) months, pending no further breaches of GAR 156(w).

In determining penalty, Investigative Stewards considered several factors namely:

* Mr Plumridge’s plea of guilty to all charges.
* Mr Plumridge’s personal circumstances and his remorse.
* Mr Plumridge’s prior disciplinary history.
* The circumstances surrounding all six breaches.
* Specific and general deterrence.

**Pleas:** Guilty

**RULING**

Mr David Plumridge, effectively you are appealing the decision of the Stewards. An appeal made by you was lodged out of time. Your proposed appeal is in relation to the penalties imposed, which in turn relate to breaches of Greyhounds Australasia Rule (“GAR”) 30, involving the use of a barking muzzle and GAR 156(w), involving the use of a racing muzzle for more than 30 minutes.

You are pleading guilty to all offences and have so pleaded from the outset. Your intended appeal is in the relation to the size of the penalties imposed. Details of them are not relevant to the present preliminary dispute.

The penalties imposed on you were so imposed on either Thursday, 30 January 2025 or Friday, 31 January 2025. They were outlined over the telephone to you on Thursday, 30 January 2025, and set out in written form in an email on Friday, 31 January 2025. Your appeal form is dated 4 February 2025, which is the following Tuesday. Section 50K of the *Racing Act* 1958 (“the Act”) effectively provides the time for appealing concludes at 5.00 PM on the third day after the appellant received notice of the decision. Section 50N permits this Tribunal to grant leave to appeal out of time if a satisfactory explanation is provided by the person involved, and if the Tribunal considers that it would be unjust to refuse leave to appeal out of time.

Amongst other things, you have put the following before me. The Stewards interview was on 30 January 2025. Your mother's funeral had been on 29 January – that is the previous day. You were of the belief that effectively weekend days were not to be taken into account. Further, you worked outside the industry on the Sunday. Accordingly, you believed that the three day count commenced on Monday, 3 February and concluded on Wednesday, 5 February. Accordingly, by lodging your appeal on Tuesday, 4 February, you believed that you were comfortably within time. There is no suggestion that the Stewards have suffered any prejudice, absence of a witness or any other detrimental effect by reason of a brief delay.

In all the circumstances, I am comfortably satisfied that you have provided a satisfactory explanation as referred to in Section 50N of the Act and that it would be unjust to refuse leave to appeal out of time.

Whilst it was not argued, it is also my belief that, if the due date falls on a day when the Tribunal is not open for business, such as a weekend day or public holiday, the time for lodgement is extended to the next day when the Registry is operating. In the present case, that would be an extension of time to Monday, 3 February 2025. Further, I would refer to Section 44(3) of the *Interpretation of Legislation Act* 1984.

That would still leave your appeal on Tuesday, 4 February out of time, but only by a matter of hours.

In any event, as stated, I am comfortably satisfied that you have provided a satisfactory explanation and that it would be unjust to refuse your application for leave to appeal out of time.

The application is successful and leave to appeal out of time is so granted.

Kathleen Scully

Assistant Registrar, Victorian Racing Tribunal