

**PART 7: APPEALS****23 Appeals against Stewards' decisions**

23.1 Any appeal against a Steward's decision in respect of an Offence made pursuant to these Rules is, subject to LR23.2 and the Act, to be heard and determined by the GRV RADB.

23.2

(a) Subject to the Act and LR 23.2(b), where the Stewards have imposed a Penalty in respect of any Offence on a person, Club or greyhound, the person, Club or the Owner or Trainer of that greyhound on whom the Penalty was imposed may within the time specified in section 83J(2)(b) of the Act (or such extended period granted by the GRV RADB pursuant to section 83L of the Act) of the Steward's decision, appeal against the decision that the Offence was committed, or the imposition of the Penalty, or both, to the GRV RADB.

(b) Subject to LR 23.2(c), where the Penalty imposed by the Stewards in relation to an Offence in relation to a person, Club or greyhound is:

i) a fine of \$250 or less; or

ii) a penalty which is not a suspension, disqualification or warning off,

the person, Club or the Owner or Trainer of that greyhound on whom the Penalty was imposed has no right of appeal to the GRV RADB.

(c) Notwithstanding LR 23.2(b), an appeal must be heard by the GRV RADB if the Racing Integrity Commissioner directs that such an appeal be heard by the GRV RADB in accordance with section 83K of the Act.

(d) The GRV RADB will hear and determine any matter referred to it by the Stewards or GRV pursuant to section 83C(d) of the Act.

(e) Pending the determination of an appeal, the Chairman or Deputy Chairman of the GRV RADB may order a stay of execution of the penalty appealed against subject to any terms or conditions that the Chairman or Deputy Chairman thinks appropriate. [GRV 1/6/10]

23.3 A notice of appeal to the GRV RADB must be in the prescribed form that is specified in the Regulations pursuant to section 83J(2)(a) of the Act from time to time.

23.4 Where:

(a) any Event comprises Qualifying Trials and/or heats and/or semi-finals (together "**preliminary races**") and a final;

(b) a greyhound during the running of a preliminary race is suspended pursuant to GAR69 or GAR71; and

- (c) the greyhound would otherwise be eligible to compete in the next preliminary race or the final (as the case may be) of the Event,

the Owner or Trainer of the greyhound may within the time specified in section 83J(2)(b) of the Act (or such extended period granted by the GRV RADB pursuant to section 83L of the Act) of the Steward's decision being made appeal against the Steward's decision to the GRV RADB.

23.5 The GRV RADB may, in its absolute discretion and subject to such conditions as it thinks fit, suspend in whole or in part the operation of the decision which is the subject matter of the appeal to the GRV RADB pending the determination of the appeal by the GRV RADB.

23.6 Any person who fails to abide by any decision of the GRV RADB on an appeal including any order imposing a Penalty or as to the refund of any Prize Money paid, shall be guilty of a Serious Offence.

23.7 Any person who:

- (a) wilfully insults, threatens or interferes with or obstructs any member of the GRV RADB or employee of the GRV in or in the vicinity of the place where the GRV RADB is to hear, is hearing, or has heard, an appeal or other hearing;
- (b) wilfully influences or attempts to influence any member of the GRV RADB, or employee of GRV or any party, witness or other person concerned in any way with an appeal or other hearing being heard or to be heard by the GRV RADB;
- (c) wilfully interrupts the hearing of an appeal or other hearing by the GRV RADB; or
- (d) misbehaves before the GRV RADB in any manner,

shall be guilty of a Serious Offence.

23.8 Without limiting any powers granted to GRV RADB pursuant to the Act, the GRV RADB may, whether at an initial hearing or at an appeal, impose all Penalties available to the Stewards or the Board pursuant to these Rules and the GAR's.

23.9 Any determinations, decisions or actions by the GRV RADB are deemed to be the actions of the Controlling Body for the purposes of the GAR's.

## **24 Review by VCAT of GRV RADB decisions**

24.1 A Steward or a person whose rights are affected by a decision of the GRV RADB may apply to VCAT for review of that decision pursuant to sections 83OH of the Act, provided that an application for such review is made within the periods prescribed by section 83OI of the Act.

## **PART 16: NON-APPEARANCE AT INQUIRIES**

46.1 Where a person or club is served with the notice of an inquiry in accordance with the GAR's but does not appear at the inquiry, the inquiry may proceed in the absence of that person or club.

## **PART 17: SERIOUS OFFENCES**

47.1 The following Rules and GAR's, if breached, are deemed to be Serious Offences under these Rules and for the purposes of the Act:

- (a) GAR 83;
- (b) GAR 86(c) to GAR86(f) (inclusive);
- (c) GAR 86(g) to GAR86(l) (inclusive);
- (d) GAR 86(m) & (n), where such conduct is in respect of a GAR or Rule that is a Serious Offence;
- (e) GAR 86(o), except where such conduct was negligent only;
- (f) GAR 86(p), (r), (s), (x), (y), (aa), (ac), (ae), (af), (ah) & (ai) [GRV 1.1.11]
- (g) GAR 87;
- (h) GAR 88;
- (i) GAR 91;
- (j) GAR 94;
- (k) GAR 104(7);
- (l) GAR 106(1) & (2);
- (m) such other Rules and GAR's expressly stated as being Serious Offences; and
- (n) such other Rules and GAR's deemed by the Board to be a Serious Offence (as the Board may declare in writing from time to time).

47.2 The Stewards or the Board may charge a person or Club with a Serious Offence in accordance with section 83M of the Act.

47.3 The GRV RADB is responsible for hearing and determining any Serious Offences in the first instance.

47.4 Hearings by the GRV RADB in the first instance will be conducted in accordance with section 83N of the Act and in accordance with any other procedures specified by the GRV RADB.

47.5 Without limiting section 83O of the Act, the GRV RADB may, in determining a Serious Offence:

- (a) order the refund of any Prize Money paid; and
  - (b) make any order as to the registration, breeding or kennelling of any greyhound.
- 47.6 Any person who fails to abide by any decision of the GRV RADB, including any order imposing a Penalty or requiring a refund of any Prize Money paid, shall be guilty of a Serious Offence.
- 47.7 Any conduct of a greyhound which gives rise to an Offence under these Rules or the GAR's is deemed to be an Offence applicable to the Owner and/or Trainer of that greyhound.
- 47.8 All decisions of the GRV RADB are final subject only to further rights of appeal as specified in LR 24.

#### **PART 18: INVESTIGATOR**

- 48.1 The Board may appoint a person to be an Investigator for the purposes of the Act by declaration in writing.
- 48.2 The Investigator may investigate matters in respect of the enforcement of, and compliance with, the Rules, and may perform such other functions as permitted by the Act.

#### **PART 19: PRESENTATION OF GREYHOUND FOR RACING AND KENNELING TIME**

49. For the purposes of GAR 31, a greyhound drawn for an Event shall be in the hands of the Stewards not later than 30 minutes before the advertised starting time of the first Event of the meeting or qualifying trial. [GRV 29/6/10]

#### **PART 20: AUTOMATIC CANCELLATION OF A MARRING OR FAILING TO PURSUE ENDORSEMENT**

- 50.1 For the purposes of GAR 70, where a greyhound has been previously recorded with a single endorsement for a breach of rule GAR 69 it shall be automatically removed from the greyhound's record, after competing in not less than ten (10) Events, excluding a course, without being subsequently endorsed for a breach of GAR 69.

(added 01.01.2013)

**CURRENT RAD BOARD MEMBERS***as at March 2014*

| <b>Name</b>      | <b>Position</b> |
|------------------|-----------------|
| John Wardle      | Chairman        |
| Terry O'Connor   | Deputy Chairman |
| Marg Long        | Member          |
| Gwen Ennis       | Member          |
| Hector Caruana   | Member          |
| David Gleeson    | Member          |
| John Van Echteld | Member          |
| Barry Toner      | Member          |
| Ian Vigor        | Member          |
| John Hutchison   | Member          |
| Phillip Pryor    | Member          |

**NOTICE OF APPEAL**  
**to the**  
**RACING APPEALS and DISCIPLINARY BOARD**

Appeals to be lodged with:  
 Boards Registrar  
 400 Epsom Road, Flemington VIC 3031

FAX: 03 9258 4848 PHONE: 03 9258 4260  
 EMAIL: radboard@racingvictoria.net.au

*Appeal notices must be lodged by 5pm on the third day after the day the appellant receives notice of the decision*

Name of appellant ..... Address .....  
 Telephone ..... Fax .....

I hereby give notice that I appeal against the decision and/or penalty imposed under the Rules of:

**Greyhound Racing Victoria**

On (Date of Decision) ..... in Race No. (if applicable) .....  
 at (Racetrack/Meeting) .....

Whereby ..... (Name of person / horse / greyhound)  
 was found guilty under Rule ..... of a charge of.....  
 .....

And a penalty imposed of:

- A fine of \$ ..... and/or
- A Suspension / Disqualification of my licence for .....  days  weeks  months  years
- Commencing (date) ..... and expiring (date) .....

*Greyhound Offences only:*

- A Suspension imposed on the greyhound for .....  days  months
- A Satisfactory Trial imposed on the greyhound

I am appealing against

- Conviction and Penalty                      OR                       Severity of the Penalty

and the grounds for my appeal are .....  
 .....

Is the greyhound currently engaged in another event? If yes, provide details.....  
 .....

I do not wish to apply for a Stay of Proceedings       I wish to apply for a Stay of Proceedings

on the following grounds .....  
 .....

Please note: Engagements booked for race meetings after the hearing date of an appeal are made on the understanding that suspensions may take effect immediately should the appeal be unsuccessful and the appellant will be unable to fulfil the engagement.

I will be represented at the appeal by

Name ..... Address .....  
 Telephone..... Fax .....

Signature of Appellant ..... Date .....

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