

23 November 2023

## **DECISION**

### **GREYHOUND RACING VICTORIA**

**and**

### **IVAN CHIRCOP**

- Date of hearing:** 16 November 2023
- Panel:** Magistrate John Doherty (Deputy Chairperson), Mr Greg Childs and Ms Danielle Hikri.
- Appearances:** Ms Amara Hughes, instructed by Mr Anthony Pearce, appeared on behalf of the Stewards.  
Mr Ivan Chircop represented himself.  
Mr Bernard Blood appeared as a witness.  
Mr Steven Chircop appeared as a witness.
- Charges:** Greyhounds Australasia Rule (“GAR”) 156(i) states:
- An offence is committed if a person (including an official):
- (i) prevents, attempts to prevent, interferes with or attempts to interfere with the carrying out of any identification, examination, test, necropsy, analysis, inquiry, investigation or inspection (including a kennel inspection) pursuant to the Rules.
- GAR 156(f)(i)(ii) states:
- An offence is committed if a person (including an official):
- (f) has, in relation to a greyhound or greyhound racing, done something, or omitted to do something, which, in the opinion of a Controlling Body or the Stewards:
- (i) is corrupt, fraudulent, or dishonest;  
(ii) constitutes misconduct or is negligent or improper;

**Particulars:**

**Charge 1: GAR 156(i)**

1. You are, and were at all relevant times, a trainer licensed by Greyhound Racing Victoria (GRV) and a person bound by the Greyhounds Australasia Rules (GARs).

2. You have interfered with or attempted to interfere with the carrying out of a test pursuant to the rules, in that;

(a) On 10 April 2023 you were the person responsible for the handling and kennelling of the greyhound 'Wild Aussie' at the Ballarat Greyhound Racing Club (**Meeting**).

(b) Whilst 'Wild Aussie' was undergoing the weighing procedure (**the Test**) at the race meeting you have placed your left foot under the weighing scales which has interfered with the displayed weight of the greyhound.

(c) The relevant test is carried out pursuant to GAR 100 (Weighing) and 101 (Weight Variation).

**Charge 2: 156(f)(i)(ii)**

1. You are, and were at all relevant times, a trainer licensed by Greyhound Racing Victoria (GRV) and a person bound by the Greyhounds Australasia Rules (GARs).

2. You have done something in relation to a greyhound or greyhound racing which, in the opinion of the Stewards constitutes misconduct and/or is improper, in that;

(a) On 10 April 2023 you were the person responsible for the handling and kennelling of the greyhound 'Wild Aussie' at the Ballarat Greyhound Racing Club (**Meeting**).

(b) Whilst 'Wild Aussie' was undergoing the weighing procedure (**the Test**) at the race meeting you have placed your left foot under the weighing scales which has interfered with the displayed weight of the greyhound.

(c) Your actions in interfering with, or attempting to interfere with the test, were for the purpose of manipulating the recorded weight and eligibility of 'Wild Aussie' for its event, pursuant to GAR 100 (Weighing) and 101 (Weight Variation).

**Pleas:** Not Guilty to both Charges

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## **DECISION**

Mr Ivan Chircop, has pleaded not guilty to two offences brought by Greyhound Racing Victoria ("GRV"). The Charges were issued under Greyhounds Australasia Rule ("GAR") 156. The first Charge under GAR 156(i) relates to the attempted interference of the carrying out of a test whilst Wild Aussie was undergoing the weighing procedure at Ballarat on 10 April 2023. It is alleged that Mr Chircop put his left foot under the weighing scales which interfered with the displayed weight of the greyhound. The second Charge is brought under GAR 156(f)(i)(ii), namely that the conduct described above constitutes misconduct, was improper and was for effecting the eligibility of the dog for that race.

In relation to the question of guilt, on the day in question, namely, 10 April 2023, Mr Chircop, who is a licenced greyhound participant, was handling and kennelling Wild Aussie for his brother, Mr Steven Chircop. There is no dispute but that on the second weighing of the dog Mr Chircop's left foot has gone under the scales. Did it effect the scales? The evidence of Mr Bernard Blood is that it did. He said that it fluctuated the weight of the dog downwards and when he asked Mr Chircop to take his foot off, the scales returned to its original weight, which was over the threshold allowed for the dog to race.

In the inquiry with the Stewards, Mr Chircop was examined about the fluctuating weight. Ms Hughes was quick to point out to us today that Mr Chircop gave inconsistent answers in relation to this point in that he originally said "no, the weight didn't fluctuate" and later in the hearing he said that it did. In the inquiry there was also some discussion in relation to the movement of the dog and whether that might have affected things, it is clear to us from the CCTV footage on the day that the dog was calm.

Why would you want to manipulate the scales? GRV say that the dog, having weighed over, and then an offer having been made to reweigh and see if there was some error, and if so, then the dog would have been able to compete and by competing it has the opportunity to win prize money. Because the dog was over, GRV says that Mr Chircop tried to manipulate the scales so that the dog was within the one-kilogram threshold allowable to race. Mr Chircop says that they went to the races knowing that the dog was never going to make weight. He says that he had spoken to his brother on the morning of the race and that they constructed

a plan to take the dog to the races knowing that it would not be eligible in order to save money. However, today, his brother, Mr Steven Chircop, could not corroborate how much the dog was overweight on the morning of the race despite Mr Ivan Chircop telling the Tribunal he told his brother the dog was one and half kilograms over. In relation to this important point, we say today that Mr Steven Chircop's evidence was very vague.

Mr Chircop himself is a seasoned campaigner. He has told the Tribunal that he is managing 68 greyhounds. On this particular day, if we accept that the dog was not eligible, it occurs to us to ask the following questions. Why go through all the charade of a second weigh in when clearly the dog was not going to make the weight? Why pretend to be anywhere near the scales on the second weigh in when you know that your dog will not make the weight? Why appear to be so concerned about the second weigh in when according to Mr Chircop's thought processes, "it's not going to matter"? The behaviour is consistent with someone trying to manipulate the second weigh in to facilitate the dog's eligibility. In our opinion, that is a hypothesis consistent with guilt.

The inquiry was on the 17 May 2023. The notion of a discussion between the Chircop brothers about being overweight and therefore knowing that the greyhound would be ineligible to race on 10 April 2023 in our opinion smacks of a theory of recent invention. It is not corroborated and is entirely inconsistent with the case presented by GRV. Furthermore, there is no corroboration of Mr Chircop's assertion that the Stewards were told that Wild Aussie was overweight prior to the first weighing.

The CCTV footage also tends to support GRV's assertion that Mr Chircop did look in the direction of the scales prior to placing his left foot under the scales. In all the circumstances, we are comfortably satisfied that the evidence in support of the Charges is sufficient to make those Charges out.

## **PENALTY**

In relation to penalty, we have had the opportunity to hear submissions by the Stewards and also by Mr Chircop. We wish to make it clear that, despite the pleas of Not Guilty, we take into account that since this incident has happened, Mr Chircop has been trying to speak with the track curator at Ballarat about what is proposed to ensure that this does not happen again. That is a point in Mr Chircop's favour. Having said that, it also occurs to us that this was a stupid thing which he did. Perhaps it happened on the spur of the moment. It was a very silly thing to happen and we understand that there are no like cases to which GRV can refer us. We are also aware that any period of suspension will impact on Mr Chircop. We are aware of his health issues and that he and his partner are expecting a child next April.

What we have arrived at unanimously is as follows. In respect of Charge 2, there will be a period of 3 months suspension with 1 month of that period suspended for 24 months pending no further breaches of Rule 156. That means that there is a suspension of 2 months commencing immediately.

In respect of Charge 1, we are of the view that any penalty on that Charge should be concurrent with that on Charge 2. On Charge 1, there will also be a period of 3 months suspension, with 1 month of that period suspended for 24 months pending no further breaches of Rule 156. That penalty is wholly concurrent with the penalty on Charge 2.

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Mark Howard  
Registrar, Victorian Racing Tribunal