28 September 2021

**DECISION**

**GREYHOUND RACING VICTORIA**

**and**

**ALFRED KING**

**Date of hearing:** 6 September 2021

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

**Appearances:** Mr Paul Searle appeared on behalf of the Stewards.

Mr Alfred King represented himself at the hearing.

**Charge:** Greyhounds Australia Rule (GAR) 69 (A)(1)states where, in the opinion of the Stewards, unless Rule 69B otherwise applies, a greyhound fails to pursue the lure with due commitment during an Event, the Stewards shall impose a period of suspension in respect of the greyhound pursuant to sub-rule (2), and the specifics shall be recorded in the relevant Controlling Body Register, or where applicable, the Certificate of Registration or Weight Card of the greyhound.

**Particulars of charge:** Stewards spoke to Mr Alfred King, the trainer of Barellen Pearl regarding the greyhound’s racing manners through the first turn. Acting under the provisions of GAR 69A (1) Barellen Pearl was charged with failing to pursue the lure with due commitment.  Mr King pleaded not guilty to the charge, Barellen Pearl was found guilty and suspended for 28 days at Ballarat and must perform a Satisfactory Trial in accordance with GAR 69A (2) and pursuant to GAR 72, before any future nomination will be accepted

**Plea:** Not Guilty

**DECISION**

Mr Alfred King, you are the trainer of Barellen Pearl, which competed in Race 10 at Ballarat on 29 August 2021. Barellen Pearl in fact won the race. The dog has been charged with failing to pursue the lure with due commitment, which is a breach of GAR 69A(1). The Stewards found the charge proved. The dog was stood down at Ballarat for 28 days and must perform a satisfactory trial before any future nomination will be accepted. You are appealing against this decision.

I have viewed the video of the race several times. The definition of failing to pursue effectively is when a greyhound turns its head or visibly eases during the running of an event. In this particular case, the Stewards are not alleging that Barellen Pearl turned its head. Their decision was made on the basis that these was a definite easing and a failing to pursue with due commitment. Barellen Pearl had jumped from box 8 to the lead and was approximately 3 to 4 lengths clear of the favourite, Deedee’s Charm, entering the turn. Barellen Pearl was then rapidly overhauled by Deedee’s Charm, which came up on its inside. It is possible that it was then and after easing that Barellen Pearl suffered an injury. However, after entering the straight Barellen Pearl rallied and went on to win. Deedee’s Charm weakened to finish fifth.

After the race, a vets inspection of Barellen Pearl revealed bruising and laceration on its left hind paw and a 7 day stand down period was imposed. You have placed before us this morning a certificate from your own vet indicating that the dog has an injury to the left achilles tendon and will be unlikely to be fit to race for 28 days.

Unfortunately, this is Barellen Pearl’s second charge of failing to pursue. The Rules, and particularly Rule 69B, provide that effectively dogs get only one opportunity to escape a failing to pursue penalty due to injury.

Barellen Pearl unfortunately used up that chance on 19 July 2021 and had not had 10 clear starts by the date of this race.

Accordingly, whilst the Stewards do have a discretion, the operation of the 28 day penalty under the Rule is automatic for a second breach of the Rule unless the Stewards exercise that discretion. If proven, this is a second breach of the Rule without the 10 clear start exception being available.

Of course, the result also hinges upon whether or not Barellen Pearl was in breach of GAR 69A(1) and did fail to pursue the lure with due commitment. You argue that Deedee’s Charm showed a sudden and great turn of pace into and around the bend, before catching your dog, rather than your dog easing or failing to pursue.

Unfortunately, I do not accept this. In my opinion the Steward’s version of what occurred is correct. Your dog visibly eased. Deedee’s Charm made up ground and may have clipped your dog. However, Borellan Pearl resumed chasing properly in the straight and went on to win. It had failed to chase with due commitment, but then raced properly again and won the race.

The bottom line is that I find that the Stewards arguments are correct, and I find for them. I can appreciate your disappointment, but the appeal is dismissed.

Mark Howard
Registrar, Victorian Racing Tribunal