9 May 2023

**DECISION**

**GREYHOUND RACING VICTORIA**

**and**

**AROHA HEMINGWAY**

**Date of hearing:** 28 April 2023

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

**Appearances:** Mr Andrew Spence appeared on behalf of the Stewards.

Ms Aroha Hemingway represented herself.

**Charge:** Greyhounds Australasia Rule (“GAR”) 123 states:

Where, in the opinion of the Stewards, a greyhound is found to have marred during an Event, the Stewards must impose a period of suspension in respect of the greyhound pursuant to rule 127, which is to be recorded by them as part of the identification record.

**Particulars of charge:** Vaila Bale (marred the running of Market Mate) underwent a post–race veterinary examination and was found to have a spike wound to the right hind. A 3 day stand down period was imposed.Stewards spoke to Trainer Ms Aroha Hemingway regarding Vaila Bale’s racing manners entering the home straight. Acting under the provisions of GAR 123 Vaila Bale was charged with marring. Ms Hemingway reserved their plea to the charge, Vaila Bale was found guilty and suspended for 28 days at all tracks and must perform a Satisfactory Trial in accordance with GAR 127, and pursuant to GAR 132, before any future nomination will be accepted.

**Plea:** Not Guilty

**DECISION**

This appeal concerns the performance of the dog Vaila Bale in Race 3 at Shepparton on 24 April 2023. Vaila Bale is trained by Ms Aroha Hemingway. Following the race, Vaila Bale was found guilty of a breach of GAR 123 – that is marring. A penalty of standing down for 28 days was imposed and the dog must perform a satisfactory trial before it can resume racing. The finding of guilt and the period of standing down were at the centre of this appeal.

The essence of the charge of marring is muzzle contact with another runner. I have viewed the video of the race and carefully examined the still photographs extracted from it.

There is no doubt but that, at or immediately after the turn into the home straight, Vaila Bale, which was racing one dog off the rails and on the outside of Market Mate, turned its head to the inside and made muzzle contact with that dog. Indeed, Ms Hemingway effectively admitted that what has apparently caused her to appeal is the fact that this was allegedly only a very brief contact and that other dogs have behaved similarly or worse and not been charged. Mr Darren Peterson, a greyhound trainer of some years of experience, also made a statement in support of Ms Hemingway.

The bottom line is that the charge of marring is patently made out. Vaila Bale turned its head and made muzzle contact with Market Mate. It may be that not all incidents of marring are picked up or charges laid. The Stewards do the best that they can with crowded schedules. In the present case, Vaila Bale clearly marred Market Mate. The ingredients of the charge are clearly made out. The Tribunal looks at whether, in each instance, the ingredients of the charge of marring have been made out to its comfortable satisfaction. The charge was made out in this case.

It is apparent that Ms Hemingway’s concern was for her dog. However, I am comfortably satisfied that the charge has been made out and the appeal is dismissed.

Mark Howard

Registrar, Victorian Racing Tribunal