5 January 2023

**DECISION**

**GREYHOUND RACING VICTORIA**

**and**

**BORIS BERTSCHIK**

**Date of hearing:** 29 December 2022

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

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

Mr Boris Bertschik represented himself.

**Charge:** Greyhounds Australasia Rule (“GAR”) 125 states:

Failing to pursue by reason of injury – first time only

(1) A greyhound which in the opinion of the Stewards fails to pursue the lure for the first time only must be examined by an officiating veterinarian and:

(a) if the greyhound is found to be injured, a stand-down period will apply as recommended by the officiating veterinarian and the greyhound will not be permitted to compete in an Event until the completion of a satisfactory trial (with the specifics of the injury and trial to be recorded as part of its identification record).

(b) if the greyhound is found not to be injured, then the provisions of rules 124 and 127 apply.

**Particulars of charge: “**Violet's Delight” (turned its head outwards soon after the start) underwent a post–race veterinary examination and was found to have a left monkey injury. A 7 day stand down period was imposed. Stewards spoke to representative Mr. C. Taylor regarding the greyhound’s racing manners soon after the start. Acting under the provisions of GAR 125, Violet's Delight was charged with failing to pursue the lure with due commitment (by reason of injury). Mr Taylor pled guilty to the charge, Violet's Delight was found guilty and must perform a satisfactory trial in accordance with GAR 125, and pursuant to GAR 132, before any future nomination will be accepted.

**Plea:** Not Guilty

**DECISION**

Mr Boris Bertschik, you are the owner of “Violet’s Delight”, which competed in Race 1 at The Meadows on 21 December 2022. Violet’s Delight started from box 2. Following the event, the Stewards found that the dog turned its head outwards soon after the start. A post-race veterinary examination showed that the dog had a left monkey injury. Pursuant to Greyhounds Australasia Rule (“GAR”) 125, Violet’s Delight was found guilty of failing to pursue the lure with due commitment by reason of injury.

Apart from reading the Appeal Brief, I have had the opportunity to watch the videos of the race, and particularly the part just after the start, many times. I have also examined the still photographs extracted from the video. In addition, I have had the benefit of the helpful submissions from both you, Mr Bertschik, and from Mr Paul Searle, on behalf of the Stewards. I should add that, whilst a kennel representative pleaded guilty on behalf of the dog after the race, you have opted to plead not guilty, and I accept that.

Essentially, your argument is that Violet’s Delight came out of the boxes on the wrong leg, namely the front left, and immediately overcorrected itself before racing on in a proper and normal fashion into third place. Thus, you argue, it was not a matter of failing to pursue the lure with due commitment, but of correcting a slightly blundered start.

Whilst this was a well presented argument, I find against you and prefer the submissions of Mr Searle. The greyhound jumped out and noticeably turned its head to the right, also moving to a small extent that way before straightening up. It seems to me that there has been a clear breach of GAR 125. I appreciate that the dog raced truly thereafter, but I am comfortably satisfied that a breach of the Rule did occur in those first few strides.

Accordingly, the appeal is dismissed.

Mark Howard

Registrar, Victorian Racing Tribunal