7 July 2022

**DECISION**

**GREYHOUND RACING VICTORIA**

**and**

**CRAIG BURNS**

**Date of hearing:** 6 July 2022

**Panel:** Justice Shane Marshall (Deputy Chairperson).

**Appearances:** Mr Alex Kitching appeared on behalf of the Stewards.

Mr Craig Burns represented himself.

**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: “**Tinker Fran” marred “Immense” in the home straight, underwent a post–race veterinary examination and was found to have a left hindleg hamstring injury. A 10 day stand down period was imposed. Stewards spoke to Mr Craig Burns, the representative of Tinker Fran regarding the greyhound’s racing manners in the home straight. Acting under the provisions of GAR 123, Tinker Fran was charged with marring. Mr Burns pleaded not guilty to the charge. Tinker Fran was found guilty and suspended for 28 days at Warrnambool 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**

1. Mr Craig Burns has appealed against a decision by Stewards of Greyhound Racing Victoria (“GRV”) to find a greyhound owned by him, “Tinker Fran”, to have marred another greyhound in Race 5 at Warrnambool on 30 June 2022. Marring is defined under the Greyhounds Australasia Rules (“GAR”) (in Rule 9) as “the act of a greyhound which turns its head and makes head or muzzle contact with another greyhound”.
2. GRV Stewards charged Tinker Fran under GAR 123 which prohibits marring. The Rule is formulated so as to depend on the opinion of the Stewards. The question for the Tribunal on appeal is whether the decision of the Stewards was open to them.
3. To come to a view about the question before the Tribunal, the following was viewed by the Tribunal: -
* Vision of the race replay;
* Still photographs of various stages of the greyhound in the straight; and
* The record of proceedings before the Stewards.
1. Having considered all of the material before the Tribunal, especially a still photograph (photograph 4) provided by the Stewards which shows head contact by Tinker Fran to a greyhound to its inside, the Tribunal has formed the view that the decision of the Stewards was open to them. The appeal is dismissed. A 28 day suspension from running at Warrnambool and the need for a satisfactory trial imposed by the Stewards on 30 June 2022 is affirmed.

Kathleen Scully

Assistant Registrar, Victorian Racing Tribunal