28 September 2021

**DECISION**

**GREYHOUND RACING VICTORIA**

**and**

**DAVID KERR**

 **Date of hearing:** 3 September 2020

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

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

Mr David Kerr represented himself at the hearing.

**Charge:** Greyhounds Australasia Rule (GAR) 69(1)states where, in the opinion of the Stewards, a greyhound is found to have marred another greyhound 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 Trainer Mr David Kerr regarding the greyhound’s racing manners in the home straight.  Acting under the provisions of GAR 69(1) My Wanderer was charged with marring. Mr Kerr pleaded not guilty to the charge, My Wanderer was found guilty and suspended for 28 days at Sandown and must perform a Satisfactory Trial in accordance with GAR 69(2) and GAR 72, before any future nomination will be accepted.

**Plea:** Not Guilty

**DECISION**

Mr David Kerr, you are the trainer of My Wanderer, which competed in Race 12 at Sandown on 29 August 2021. The dog has been charged with marring, which is a breach of GAR 69(1). The Stewards found the charge proved. The dog was stood down at Sandown 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, and examined the still photos extracted from it. It seems to me that, even leaving to one side the eyewitness evidence of the Steward Mr Andrew Spence, the charge of marring has been made out. My Wanderer did turn its head towards the dog on its inside, Grey Not Blue, and I am comfortably satisfied that contact was made.

I can appreciate the points that you make and the frustration or annoyance you feel, although you conducted yourself well and spoke logically and respectfully during the hearing. It appears to me that Grey Not Blue did contact your dog on the home turn and did drift out in the straight. In the language of a fight in the pub, Grey Not Blue may well have started it.

However, the wording of the Rule is clear. The definition of marring is clear. Unfortunately, My Wanderer turned its head and its muzzle, made contact with Grey Not Blue before the finishing post. The still photos, if not the video itself, establish this. In other words, the necessary ingredients of marring have clearly been proven. Accordingly, the decision of the Stewards stands, and the appeal is dismissed.

Mark Howard
Registrar, Victorian Racing Tribunal