29 December 2022

**DECISION**

**GREYHOUND RACING VICTORIA**

**and**

**DONALD RHODES**

**Date of hearing:** 22 December 2022

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

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

Mr Donald Rhodes represented himself.

**Charge:** Greyhounds Australasia Rule (“GAR”) 129 states:

If a greyhound fails to perform to the satisfaction of the Stewards during the running of an Event, the Stewards may:

(a) order that the greyhound complete a satisfactory trial before being eligible to be nominated for or compete in any Event; and/or

(b) order that before the greyhound is eligible to be nominated for or compete in any Event its trainer or connections must produce a veterinary certificate certifying that it is not suffering from an injury or condition to the satisfaction of the Stewards.

**Particulars of charge: “**Winnindoo Wendy” (escaped the catching pen) underwent a post-race veterinary examination and was found to have abrasions to the left metacarpals and metatarsals. No stand down period applied. Stewards spoke to trainer Mr Donald Rhodes regarding the greyhound escaping the catching pen. After hearing submissions from Mr Rhodes and acting on their observations, Stewards deemed Winnindoo Wendy escaping the catching pen unsatisfactory. Winnindoo Wendy must perform a satisfactory trial in accordance with GAR 129, and pursuant to GAR 132, before any future nomination will be accepted.

**Plea:** Not Guilty

**DECISION**

Mr Donald Rhodes, you are the trainer of “Winnindoo Wendy”, which has been charged with escaping from the catching pen after Race 9 at Sandown on 15 December 2022. This has brought into operation Greyhounds Australasia Rule (“GAR”) 129 and the concept of unsatisfactory performances.

I say at the outset that I am satisfied that GAR 129 can operate in the circumstances of problems occurring after the finishing line. Liability in respect of behaviour such as marring may cease at the finishing line, but I see no reason why the operation of GAR 129 should also cease at that point. This was an issue that you, Mr Rhodes, raised, but I am satisfied that there is no limitation in relation to GAR 129 of the kind referred to in cases of marring and the like.

I can also appreciate you frustration and the type of difficulties which you have faced with Winnindoo Wendy. This is not the first time that she has gone into the catching pen, but has escaped under the running rail, effectively, as you said, to see where the lure has gone. I accept that you have tried various measures to prevent this from happening.

I also note that you are essentially a hobby trainer, based in the Gippsland area, and you train five dogs. You have been training for some nine years. You are a 72 year old man, who spent some 43 years in the police force. I have no doubt but that you are a reliable and common sense greyhound trainer. You took the trouble of preparing written submissions for my assistance.

However, the bottom line is that in my opinion, GAR 129 operates in the way argued for by Mr Paul Searle. The Stewards had the option to apply GAR 129 and treat what occurred on 15 December 2022 as being an unsatisfactory performance. Accordingly, they were also entitled to issue a Notice of Satisfactory Trial in relation to Winnindoo Wendy. I appreciate the potential issues raise by Mr Searle.

It may be that, as argued by you, problems of adequate infrastructure arise and the dimensions and quality of catching pens, rail heights and the like vary from track to track. It is a situation that may warrant further investigation from the management of the tracks. I appreciate the efforts that you have put into this issue. That is another matter.

However, my conclusion is that the Stewards decision pursuant to GAR 129 and generally is a conclusion to which they were entitled to come. The appeal is dismissed.

Kathleen Scully
Assistant Registrar, Victorian Racing Tribunal