7 October 2020

**DECISION**

**GREYHOUND RACING VICTORIA**

**and**

**MR GARY LANE**

**Dates of hearings:** 17 September 2020 (Day 1) and 21 September 2020 (Day 2).

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

**Appearances:** Mr Cam Day appeared on behalf of the Stewards.

Mr Gary Lane represented himself at the hearing.

**Charge:** Greyhounds Australia Rule (GAR) 71states where a greyhound fails to perform to the satisfaction of the Stewards, or has been determined, by the officiating veterinary surgeon or other authorised person, to have cramped during the running of an Event, the Stewards may:

(1)order that it complete a satisfactory trial before being eligible to compete further or be nominated for any Event; and/or

(2)order that it be subject to the production of a veterinary certificate certifying that it is not suffering from an injury or condition before being eligible to compete further in or be nominated for any Event.

**Particulars of charge:** Stewards spoke to Trainer Mr Gary Lane regarding its performance in the home straight. Stewards deemed the performance unsatisfactory, acting in accordance with GAR 71, Forty Free Beans must perform a Satisfactory Trial (all tracks) before any future nomination will be accepted.

**Plea:** Not Guilty

**DECISION**

Mr Gary Lane, you have appealed against a decision of the Stewards following Race 11 over 485 metres at Horsham on 13 September 2020. Forty Free Beans, trained by you, competed in that race. The dog was found guilty of an unsatisfactory performance pursuant to Rule 71. The penalty imposed was that the dog must perform a satisfactory trial before any future nomination will be accepted.

You have argued that this penalty was not warranted and was, in the circumstances, unfair. You have submitted that the time that the dog ran was, in essence, consistent with the times that it had run over its previous few starts over the same distance. In this case Mr Day, on behalf of the Stewards, is arguing that the dog raced several lengths clear of the field on the home turn, then weakened rapidly to fourth, and then came again to finish third. Your argument is that your dog continued at the same speed and the dog that ended up running fourth in fact weakened. You say the same concerning the fifth dog, which almost also passed Forty Free Beans a short distance from the line.

I have viewed the video several times, both before and during that part of the hearing that was conducted on 17 September 2020 before such hearing was adjourned so that you could obtain a veterinary examination and certificate. You did this, but ultimately, whilst the certificate gave some support to your position, you abandoned arguments based on injury. Thus, the case came down essentially to the video of the run. I should add that a post-race veterinary examination at the track did not show any injury. Thus, as stated, the case really came down to what the video shows. I have viewed it again this morning.

In my opinion, the Stewards were entitled to reach the conclusion that the dog had not performed satisfactorily. Forty Free Beans jumped a touch slowly from the red box. However, it quickly went to the outside of the two leading dogs. It raced about two and half to three lengths clear on the home turn and on straightening. It looked a certain winner, but it was rapidly overtaken by the ultimate winner, the second-place getter and the ultimate fourth place getter. The blue dog, which was fifth, also looked like passing it. I am not convinced that the fourth and fifth finishing dogs weakened. It seems to me that your dog rallied and ran third, 1.73 lengths behind the first and second runners, 0.6 of a length ahead of the fourth-place getter and 0.63 of a length clear of the fifth-place getter.

In other words, it surrendered what looked to be a race winning lead, looked sure to miss a place and perhaps run fifth, and then came again to run a clear third. I do not agree that the fourth and fifth dogs were visibly tiring.

I appreciate your arguments and the regard your obviously have for your dog, which has a very good winning and placegetting record. However, the penalty imposed of a satisfactory trial before Forty Free Beans can compete seems to be a fair and reasonable one and the appeal is dismissed.

Mark Howard
Registrar, Victorian Racing Tribunal