29 August 2022

**DECISION**

**GREYHOUND RACING VICTORIA**

**and**

**GEOFFREY SCOTT-SMITH**

**Date of hearing:** 16 August 2022

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

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

Mr Geoffrey Scott-Smith 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:** Dundee Keira marred Whizbang Jack approaching the winning post, underwent a post-race veterinary examination and was found to have a left front paw pad injury. A 3 day stand down period was imposed. Stewards spoke to Geoffrey Scott-Smith regarding Dundee Keira’s racing manners approaching the winning post. Acting under the provisions of GAR 123 Dundee Keira was charged with marring. Mr Scott-Smith reserved his right to enter a plea to the charge, Dundee Keira was found guilty and suspended for 28 days at Healesville 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**

Mr Geoffrey Scott-Smith is appealing against the decision of the Stewards in relation to an alleged breach of GAR 123. The Stewards found that, in Race 7 over 350 metres at Healesville on 10 August 2022, his dog Dundee Keira marred Whizbang Jack – the 3 dog – approaching the winning post. Dundee Keira was suspended for 28 days at Healesville and must perform a satisfactory trial before any future nomination will be accepted.

I have viewed the videos of the race and the still photographs several times. I have also had the benefit of the submissions of Mr Alex Kitching on behalf of the Stewards and of Mr Scott-Smith, the trainer of Dundee Keira.

It is conceded by the Stewards that there was some contact between the 8 dog – Lilly Rush – and Dundee Kiera some five or six strides before the alleged marring and this can be seen on the video. However, whilst this may have had some brief effect on the line Dundee Keira was taking, it does not seem to me to have had any direct impact on the marring charge. I am quite satisfied that the ingredients and definition of marring have been made out. Immediately before the winning post, Dundee Keira turned its head and made head or muzzle contact with Whizbang Jack. This occurred before the winning post. Thus, as stated, the charge is made out.

I can appreciate that this is disappointing for Mr Scott-Smith, but the definition of marring is clear and, as I have stated, I am satisfied that the ingredients of the definition and thus the charge have been established to my comfortable satisfaction. Accordingly, the appeal is dismissed.

Mark Howard

Registrar, Victorian Racing Tribunal