10 February 2021

**DECISION**

**GREYHOUND RACING VICTORIA**

**and**

**GREGORY NEOCLEOUS**

**Date of hearing:** 2 February 2021

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

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

Mr Gregory Neocleous represented himself.

**Charge:** Greyhounds Australasia Rule (“GAR”) 69A(1) states:

Unless Rule 69B otherwise applies, where, in the opinion of the Stewards, a greyhound fails to pursue the lure with due commitment during an Event, the Stewards shall impose a period of suspension in respect of the greyhound pursuant to subrule (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:** Father Phevos underwent a post-race veterinary examination and was found to have an abrasion to the left hind foot. A 3 day stand down period was imposed. Stewards spoke to Trainer Mr. Gregory Neocleous regarding the greyhound’s racing manners approaching the winning post. Acting under the provisions of GAR 69A(1) Father Phevos was charged with failing to pursue the lure with due commitment. Mr. Neocleous pleaded guilty to the charge, Father Phevos was found guilty and suspended for 28 days at Sandown and must perform a Satisfactory Trial in accordance with GAR 69A(2)(a) and GAR 72, before any future nomination will be accepted.

 At the Stewards inquiry held on the night into the racing manners of Father Phevos approaching the finishing line, Trainer Mr Gregory Neocleous pleaded guilty to the charge as issued under GAR 69A in that Father Phevos failed to pursue the lure with due commitment. The Stewards accepted the guilty plea and finalised the inquiry on these terms. However, post inquiry and the penalty being recorded and issued to Father Phevos, Mr Neocleous contacted the Stewards Dept. and wished to retrospectively change his plea from guilty to not guilty (which was momentarily published) until the matter was identified, corrected and reverted to the original script. As a matter of record, the Stewards maintain that a guilty plea was entered by Mr Neocleous to the charge, at the inquiry.

**Plea:** Not guilty

**DECISION**

Mr Gregory Neocleous, on behalf of your greyhound, “Father Phevos”, you have pleaded “not guilty” to a breach of Greyhounds Australasia Rule (“GAR”) 69A(1), which could be summarised as a charge of failing to chase.

The charge arises out of the running of Race 4 over 515 metres at Sandown on 28 January 2021. After the event, the Stewards brought a charge essentially based upon the dog turning its head towards the dog, “Zambora Lion”, before the winning post. Your dog was effectively on the rails and Zambora Lion was on its outside. There was a considerable gap to the third dog.

On the night, you originally pleaded “guilty”. Upon reflection, you decided to change the plea to “not guilty”. Having gone to the car park, you returned, but there were some difficulties in communicating this change of plea. In any event, the hearing had concluded. You continued with your plea of “not guilty” before this Tribunal, which you are fully entitled to do.

I have viewed the video of the race several times. There is no doubt but that Father Phevos turned its heard towards Zambora Lion. The only question is whether this occurred before the finishing line. The finishing line can be clearly identified by the band of light reflected across the track. Whilst it is difficult to tell from the video of the race, the still photographs tell the story. They clearly indicate that Father Phevos turned its head toward Zambora Lion close to, but before, the finishing line.

I appreciate your argument about the length of a greyhounds stride and how quickly the ground is covered. However, the bottom line is that Father Phevos turned its heard towards Zambora Lion before the finishing line. That constitutes a breach of GAR 69A(1). The appeal in relation to conviction is dismissed. I shall hear the parties on the question of penalty.

**PENALTY**

Little was said on the question of penalty. The penalty imposed by the Stewards is mandatory. Father Phevos has prior offences of marring and failing to chase, whilst injured. Insofar as the appeal is one in relation to penalty, it is dismissed.

Kathleen Scully
Assistant Registrar, Victorian Racing Tribunal