21 May 2020

**DECISION**

**GREYHOUND RACING VICTORIA**

**and**

**MR JOE BORG**

 **Date of hearing:** 18 May 2020

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

**Appearances:** Mr Brayden Jinks appeared on behalf of the Stewards.

Mr Joe Borg represented himself at the hearing.

**Charge:** Greyhounds Australia Rule (GAR) 69 (A)(1)states where, in the opinion of the Stewards, unless Rule 69B otherwise applies, 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 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 J. Borg. regarding the greyhound's racing manners in the home straight. Acting under the provisions of GAR 69(A)(1), Sweet Impala was charged with failing to pursue the lure with due commitment. Mr Borg pleaded not guilty to the charge, Sweet Impala was found guilty and suspended for 28 days at The Meadows and must perform a Satisfactory Trial (all tracks), pursuant to GAR 69(A)(2)(a), before any future nomination will be accepted.

**Plea:** Not Guilty

**DECISION**

Mr Joe Borg, you have pleaded ‘not guilty’ to a charge relating to the performance of ‘Sweet Impala’ in Race 9 at the Meadows on 9 May 2020. It is alleged that Sweet Impala, who ran third, breached GAR 69(A)(1) in that it failed to pursue the lure with due commitment, this occurring in the home straight. In your appeal form, you indicated that you are appealing against the severity of the sentence and on the ground that the evidence is unclear.

I have viewed the head on video many times. I have also listened, with some sympathy, to what you have had to say. I would also emphasise that I am taking into account only the incident in the home straight at approximately 40-50 metres from the finishing post. There has been reference by the Stewards to some incident of like nature on the home turn. That is totally disregarded by me and should not even have been mentioned. It was not the subject of a charge and was not evident on the video.

Accordingly, I am considering only the incident in the home straight. Sweet Impala, having been the subject of substantial interference going out of the straight on the first occasion, finished the race strongly. It was running fourth early in the home straight and passed King Gristle, who had been running third, about 50 metres from home. Having apparently got about a head in front of that dog, there is no doubt but that Sweet Impala turned its head very briefly towards King Gristle. You admitted that it did so and the video shows it.

There was no contact with King Gristle. Sweet Impala was going to beat it home in any event. I do not accept the submission of the Stewards that Sweet Impala could or would have run second if it had not turned its head. I accept your statement that it did not ease and pressed on. Essentially, it was not going to, and did not, run down the second dog.

However, the Rule is the Rule. In Rule 1 ‘failing to pursue’ is defined as meaning ‘when a greyhound turns its head or visibly eases during the running of an event’.

As stated, there is no argument but that Sweet Impala turned its head. That is admitted by you. Therefore, the definition of ‘failing to pursue’ has been satisfied and Rule 69 (A)(1) applies. Accordingly, the charge has been made out.

Unfortunately, as I understand it, the penalty is automatic. There is no discretion. If there was any discretion, there may have been scope for argument, because I consider you to be unlucky. However, the definition is the definition. The Rule is the Rule. Sweet Impala breached it. As I understand it, the penalty is then automatic and with no scope for reduction.

If that be so, and there is no scope for interfering with the penalty, the appeal is dismissed.

Mark Howard
Registrar, Victorian Racing Tribunal