7 August 2020

**DECISION**

**GREYHOUND RACING VICTORIA**

**and**

**MS MARIA MUSSELWHITE**

 **Date of hearing:** 31 July 2020

**Panel:** Judge John Bowman (Chairperson) and Justice Shane Marshall (Deputy Chairperson).

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

Ms Maria Musselwhite represented herself 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:** Never Simple underwent a post-race veterinary examination and was found to have right triangle muscle injury. A 5 day stand down period was imposed.  Stewards spoke to representative Mr J. Musselwhite regarding the greyhounds racing manners from approaching the third turn to approaching the fourth turn and on the fifth turn.  Acting under the provisions of GAR 69(A)(1) Never Simple was charged with failing to pursue the lure with due commitment. Mr Musselwhite pleaded not guilty to the charge, Never Simple was found guilty and suspended for 3 months at all tracks and must perform a satisfactory trial (all tracks), pursuant to GAR 69(A)(2)(b) before any future nomination will be accepted.

**Plea:** Not Guilty

**DECISION**

1. Ms Maria Musselwhite is a registered greyhound trainer and the trainer of the greyhound Never Simple. Never Simple competed in race 4 at Sandown on 26 July 2020. After the race, Stewards of Greyhound Racing Victoria charged the greyhound under Greyhounds Australasia Rule 69(A)(1) with failing to pursue the lure with due commitment. ‘Failing to pursue’ means when a greyhound turns its head or visibly eases during a race.
2. Stewards found Never Simple guilty of the charge. Ms Musselwhite appealed to the Tribunal against that decision. The question for the Tribunal to determine on the appeal is whether the decision of the Stewards was open to them.
3. The Stewards claim that after Never Simple passed the winning post on the first occasion it was one and half lengths in front of One Babe, but that on leaving the home straight Never Simple eased visibly and allowed One Babe to overtake.
4. Stewards also claim that, on entering the back straight, One Babe was three lengths ahead of Never Simple and that Never Simple made up ground until it was one length behind One Babe before visibly easing again, allowing One Babe to draw clear.
5. During the race Never Simple sustained an injury to the right hind leg – Tensor Fascia Latae (triangle). A muscleman engaged by Mrs Musselwhite considered that the dog had also torn its hip muscle.
6. Ms Musselwhite said that Never Simple is a slow beginner and a large dog which has trouble going around corners. She disputes that the dog visibly eased on any occasion during the race. She said that her dog was checked in the race.
7. To determine the appeal, the Tribunal viewed the video replay of the race on several occasions. We agree with the Stewards that on leaving the home straight Never Simple eased visibly. This did not appear to be as a result of being checked. We disagree with the Stewards about the second alleged incident of visible easing. To us, Never Simple did not visibly ease after entering the back straight.
8. Having regard to our view about the first alleged incident of visibly easing, we dismiss the appeal. The penalty of a 3 month suspension for a second offence, at all tracks, and until the completion of a satisfactory trial stands.

Mark Howard
Registrar, Victorian Racing Tribunal