22 May 2023

**DECISION**

**GREYHOUND RACING VICTORIA**

**and**

**MARK HETHERTON**

**Date of hearing:** 10 May 2023

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

**Appearances:** Mr Andrew Spence appeared on behalf of the Stewards.

Mr Mark Hetherton 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:** Stewards spoke to trainer Mr Hetherton regarding “Buck Knife’s” racing manners in the home straight. Acting under the provisions of GAR 123, Buck Knife was charged with marring. Mr Hetherton pleaded guilty to the charge. Buck Knife was found guilty and suspended for three months at all tracks 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 Mark Hetherton is the trainer of “Buck Knife”, which competed in Race 10 at Shepparton on Saturday, 6 May 2023. Following the race, in which Buck Knife ran second, Stewards charged the dog with marring, in breach of Greyhounds Australasia Rule (“GAR”) 123. The particulars of this are alleged to be that Buck Knife turned its head and made muzzle contact with “Dennis the Menace”, which was slightly ahead of it, as it tried to overtake that dog close to the winning post.

I have viewed the slow motion video of the race several times and looked at the still photographs extracted from the video. I have also heard the submissions of Mr Spence, on behalf of the Stewards, and of Mr Hetherton.

It seems clear to me that, approaching the winning post, Buck Knife did turn its head and did make muzzle contact with Dennis the Menace. Mr Hetherton effectively argued that there was not head to head contact. It was pointed out by Mr Spence that head to head contact is not required. Head to neck, or indeed head to body, contact is sufficient to make out the charge.

Clear contact was made by Buck Knife’s muzzle with Dennis the Menace. The charge of marring has been made out.

As I understand it, because of Buck Knife’s record, this means that a period of suspension for three months applies and that the dog must trial in accordance with the Rules before any future nomination will be accepted. Doubtless, this is a blow to Mr Hetherton.

In any event, the appeal is dismissed.

Kathleen Scully

Assistant Registrar, Victorian Racing Tribunal