15 March 2021

**DECISION**

**GREYHOUND RACING VICTORIA**

**and**

**MATTHEW MARSHALL**

**Date of hearing:** 1 March 2021

**Panel:** Magistrate John Doherty and Mr Des Gleeson.

**Appearances:** Mr Anthony Pearce appeared on behalf of the Stewards.

Mr Matthew Marshall represented himself.

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

Where, in the opinion of the Stewards, a greyhound is found to have marred another greyhound 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: “**Isla Bale” turned its head inwards and marred “Rebel Riot” approaching the winning post. Isla Bale underwent a post-race veterinary examination and was found to have a right triangle injury. A 5 day stand down period was imposed.

Stewards spoke to Ms Deb Carr, the trainer of Isla Bale, regarding the greyhound’s racing manners approaching the winning post. Acting under the provisions of GAR 69(1) Isla Bale was charged with marring. Ms Carr pleaded guilty to the charge. Isla Bale was found guilty and suspended for 12 months at all tracks and must perform a Satisfactory Trial in accordance with GAR 69(2) and pursuant to GAR 72, before any future nomination will be accepted.

**Plea:** Not guilty

**DECISION**

Mr Matthew Marshall has appealed a decision of the Greyhound Racing Victoria (“GRV”) Stewards to suspend the greyhound, “Isla Bale”, for 12 months at all tracks. It must perform a satisfactory trial in accordance with Greyhounds Australasia Rule (“GAR”) 69(2) and pursuant to GAR 72 before any future nomination is accepted.

Mr Marshall, the appellant, owns Isla Bale after purchasing it from Queensland, also being aware that it had two prior incidents of marring in that state. The penalty arises as a consequence of Isla Bale participating on 19 February 2021 in Race 2 at Bendigo, where it finished in second place.

The Stewards, relying on observation and footage of the race, found that Isla Bale turned its head inwards and marred “Rebel Riot” approaching the winning post. Post race, the Stewards spoke to Ms Deb Carr, the trainer of Isla Bale, about the greyhound’s racing manners approaching the winning post. Acting under GAR 69(1), Isla Bale was charged with marring. Ms Carr pleaded guilty to the charge.

Isla Bale was then suspended for 12 months, it being a mandatory minimum time under the Rules for a third offence. Also of note is that Isla Bale underwent a post-race veterinary examination and was found to have a right triangle injury to its hind leg. A five day stand down period was imposed.

After observation of video footage of the race, it is clear that there was contact between Isla Bale and Rebel Riot. On that basis, the charge of marring is sustained.

Mr Marshall has a solid investment in greyhound racing. He has five greyhounds in work and owns up to ten greyhounds. He will be bitterly disappointed after purchasing Isla Bale from Queensland to not have it race for 12 months. This decision could effectively end the greyhound’s racing career. In order to persuade GRV to prosecute a lesser charge, Mr Marshall attempted to highlight other incidents at Horsham, Bendigo and The Meadows racing tracks where other greyhounds were involved in incidents and where lesser charges were preferred. Whilst those matters may cause GRV to consider consistency in decision making with respect to future meetings, it does not assist the Tribunal in our decision making today.

Isla Bale has marred within the meaning of the Rule. The decision of the Stewards in this case with respect to a 12 month suspension and satisfactory trialling is affirmed. The appeal is dismissed.

Kathleen Scully
Assistant Registrar, Victorian Racing Tribunal