30 December 2020

**DECISION**

**GREYHOUND RACING VICTORIA**

**and**

**RAY FLOYD**

**Date of hearing:** 30 December 2020

**Panel:** Justice Shane Marshall (Deputy Chairperson) and Mr Des Gleeson.

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

Mr Ray Floyd 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:** Portelli Punk underwent a post-race veterinary examination -  no apparent injury was reported. Representative, Mr Steven Spoljaric declined the option to have the greyhound re-vetted.

Stewards spoke to Mr Spoljaric regarding the greyhound’s racing manners on the first turn. Acting under the provisions of GAR 69A(1) Portelli Punk was charged with failing to pursue the lure with due commitment.  Mr Spoljaric pleaded not guilty to the charge; Portelli Punk was found guilty and suspended for 28 days at Sale and must perform a Satisfactory Trial in accordance with GAR 69A (2) and pursuant to GAR 72, before any future nomination will be accepted.

**Plea:** Not Guilty

**DECISION**

1. Mr Raymond Floyd is a registered greyhound trainer and the trainer of the greyhound ‘Portelli Punk’. Portelli Punk competed in Race 9 at Sale on 20 December 2020 and finished fourth.
2. After the race, the Stewards charged the greyhound with failing to pursue the lure with due commitment under Greyhounds Australasia Rule (“GAR”) 69A(1). Under GAR 1 “failing to pursue” means “when a greyhound turns its head or visibly eases during the running of an event”.
3. The question for the Tribunal to determine on the appeal from the Stewards decision is whether the decision was open to the Stewards. To answer that question, we viewed the replay of the race.
4. The replay showed that not long after the start at an area known as the puppy boxes Portelli Punk veered towards the greyhound in yellow and turned its head towards that greyhound. Immediately preceding this occurrence, Portelli Punk seemed to be squeezed between two greyhounds. However, the greyhound nonetheless turned his head during the event. Consequently, the decision of the Stewards under the relevant rule as defined was open to them. We dismiss the appeal.

Mark Howard
Registrar, Victorian Racing Tribunal