4 June 2020

**DECISION**

**GREYHOUND RACING VICTORIA**

**and**

**MR ROHAN GLADMAN**

 **Date of hearing:** 28 May 2020

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

**Appearances:** Mr Cameron Day appeared on behalf of the Stewards.

Mr Rohan Gladman 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 Rohan Gladman regarding the greyhounds racing manners in the home straight. Acting under the provisions of GAR 69(A)(1) Lochinvar Deus was charged with failing to pursue the lure with due commitment. Mr Gladman pleaded not guilty to the charge, Lochinvar Deus was found guilty and suspended for 28 days at Ballarat 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 Rohan Gladman, you have pleaded ‘not guilty’ to a charge relating to the performance of Lochinvar Deus in race 8 at Ballarat on 25 May 2020. It is alleged that Lochinvar Deus, which ran second, breached GAR 69(A)(1) in that it failed to pursue the lure with due commitment, this occurring in the home straight. Essentially the Stewards allege that close to the finish, Lochinvar Deus turned its head towards the running rail and towards the dog on its inside.

In Rule 1, ‘failing to pursue’ is defined as meaning “when a greyhound turns its head or visibly eases during the running of the event”. There is no suggestion that Lochinvar Deus, which was finishing strongly, visibly eased, but it is asserted that it turned its head.

In relation to the application of Rule 1 and its operation in conjunction with Rule 69(A)(1), I would refer to my recent decision in the case of *Joe Borg [18 May 2020]*. I would point out that, in that case, his dog clearly turned its head. Therefore Rule 1 was satisfied and Rule 69(A)(1) applied.

In the present case, I have to be comfortably satisfied, in accordance with the *Briginshaw* test, that the charge has been made out – that the ingredients have been established.

I have viewed the video many times, and particularly the head on vision. I should add that I appreciate that viewing the video remotely takes away the possibility of the parties physically pointing out features of what is seen. However, we can only do the best that we can in the present circumstances.

I would also add that the important head on shot in this instance is very unsatisfactory. Mr Day, on behalf of the Stewards, very fairly stated that the head on vision is unsatisfactory. Certainly, what is available at Ballarat is nowhere near the clarity of the video available at places like the Meadows and Sandown. This must make the work of the Stewards much more difficult.

As stated, I have viewed the video many times. I am not comfortably satisfied that Lochinvar Deus turned its head. It was finishing strongly, having been last early. On the vision available I cannot be satisfied to the required extent that it actually turned its head. It did not appear to me to do so. Rule 1 does not operate I am not satisfied that it breached GAR 69(A)(1). It seemed to me to be pursuing the lure with due commitment and finishing strongly.

The appeal is upheld and the charge dismissed.

Mark Howard
Registrar, Victorian Racing Tribunal