3 June 2022

**DECISION**

**GREYHOUND RACING VICTORIA**

**and**

**ROWAN WAGENAAR**

**Date of hearing:** 26 May 2022

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

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

Mr Rowan Wagenaar represented himself at the hearing.

**Charge:** Greyhounds Australia Rule (“GAR”) 124 states:

(1) Subject to rule 125, where, in the opinion of the Stewards, a greyhound fails to pursue the lure 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 Mr Wagenaar, the trainer of Yield regarding the greyhound’s racing manners approaching the winning post. Acting under the provisions of GAR 124 Yield was charged with failing to pursue the lure with due commitment. Mr Wagenaar pleaded not guilty to the charge, Yield was found guilty and suspended for 28 days at Sandown only 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 Rowan Wagenaar, owner and trainer of the dog Yield, is appealing against a decision of the Stewards in relation to the performance of that dog in Race 12 at Sandown on 22 May 2022. The dog was found guilty of a breach of GAR 124 – failing to pursue the lure with due commitment. Yield was suspended for 28 days at Sandown only and must perform a satisfactory trial in accordance with GAR 127 and pursuant to GAR 132 before any future nomination will be accepted.

This decision is being appealed on a number of grounds that were argued in detail by Mr Wagenaar. I accept that his dog became agitated and in a lather of sweat due to its long wait in its kennel. It was to run in Race 12 and had been kennelled since approximately Race 8. Mr Wagenaar drew the dog’s condition to the attention of the on course vet, who noted that the dog was hypersalivating around its face and kennel. A future early race request was noted and granted.

Mr Wagenaar states that he raised the issue of whether his dog should be scratched, but this was not noted and, in any event, Yield was not scratched.

Turning to the race video, the important section is that towards the end of it and at about the 1 minute 46 second mark. There is no doubt but that Yield turned its head to the left. There was another dog, the white, on its inside. No contact was made and there is no suggestion of marring. However, Yield undoubtably turned its head noticeably to the left and eased marginally. This was very close to the winning post. Yield was approximately 11.8 lengths behind the winner. Mr Wagenaar speculated that his dog’s attention may have been drawn to the lure, which was the best part of 20 lengths ahead of it and which may have been cornering into the dog’s line of vision. However, the nature of its turn of head seems to me to make this unlikely.

The bottom line is that I find that the ingredients of the charge have been made out. Yield did turn its head to the left, towards the dog on its inside, and failed to pursue the lure with due commitment.

The penalty imposed by the Stewards seems to me to have been one that was not only open to them, but was appropriate. Whilst it is difficult not to feel some sympathy for Mr Wagenaar, who is comparatively new to the sport and treats his two dogs as household pets, the penalty imposed by the Stewards seems correct and, as stated, appropriate.

The appeal is dismissed.

Mark Howard  
Registrar, Victorian Racing Tribunal