29 August 2022

**DECISION**

**GREYHOUND RACING VICTORIA**

**and**

**RUSSELL EDWARDS**

**Date of hearing:** 24 August 2022

**Panel:** Justice Shane Marshall (Deputy Chairperson) and Ms Judy Bourke.

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

Mr Russell Edwards represented himself.

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

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:** “Renegade Ruslie” visibly eased in the home straight, underwent a post-race veterinary examination and was found to have a left shoulder injury. A three day stand down period was imposed. Stewards spoke to Russell Edwards regarding Renegade Ruslie’s racing manners in the home straight. Acting under the provisions of GAR 124, Renegade Ruslie was charged with failing to pursue the lure with due commitment. Mr Edwards pled not guilty to the charge, Renagade Ruslie was found guilty and suspended for 28 days at Warragul 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**

1. Mr Russell Edwards is a registered greyhound trainer and the trainer of the greyhound “Renegade Ruslie”. Renegade Ruslie completed in Race 3 at Warragul on 20 August 2022, a 460 metre event. The greyhound ran third in the event.
2. The race was an extremely rough one, with much interference occurring to several greyhounds, including Renegade Ruslie, over at least two periods. Not long (about 20 metres) before the winning post, Renegade Ruslie suffered severe interference. At about that point, the greyhound changed her running gait and eased considerably, effectively failing to pursue the lure with due commitment.
3. After the event, Stewards spoke to Mr Edwards about Renegade Ruslie’s performance. They laid a charge under Greyhounds Australasia Rule (“GAR”) 124. The charge was contested, but was found proven. Mr Edwards has appealed the decision of the Stewards to the Tribunal.
4. The sole question for the Tribunal to determine on the appeal is whether the decision of the Stewards was open to them. To answer that question, the Tribunal viewed the replay vision of the race from both side on and head on angles.
5. We are satisfied that in the home straight, just before the winning post, Renegade Ruslie did ease visibly and failed to pursue the lure with due commitment. To find a breach of GAR 124, the Stewards only need to be of the opinion that a breach of the Rule occurred. In this instance, the greyhound did ease visibly and did fail to pursue the lure with due commitment for a relatively short distance before the winning post. In some respects, this seems unfair, because the easing and failing to pursue the lure was a direct result of interference which caused an injury. However, an exception to the implementation of the mandated penalty only applies when a greyhound, on a first occasion, fails to pursue the lure by reason of injury, as set out in GAR 125. GAR 125 could be further amended to deal with offences under GAR 124 caused on a second occasion of injury or even by severe interference. That is a matter for the Rule makers.
6. As indicated previously, the critical question for the Tribunal is not whether we agree with the decision of the Stewards or whether we think a warning would have been more appropriate. It is merely whether the decision of the Stewards was open to them. We find it was open to them and so we are compelled to dismiss the appeal. Perhaps, as indicated earlier, consideration should be given by the Rule makers to expand the operation of GAR 125 so that it is not confined in its operation to only a first time where a breach of GAR 124 occurs on account of an injury.
7. We commend Mr Edwards for his professional approach to this matter and to Mr Paul Searle, on behalf of the Stewards, for his frank and thorough submissions.

Kathleen Scully
Assistant Registrar, Victorian Racing Tribunal