29 August 2022

**DECISION**

**GREYHOUND RACING VICTORIA**

**and**

**SHANE JACK**

**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 Shane Jack 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:** “Giovani” visibly eased approaching the first turn, underwent a post–race veterinary examination – no apparent injury was reported. Trainer Mr S Shane Jack declined a re-vet. Stewards spoke to Trainer Mr Jack regarding the greyhound's racing manners approaching the first turn. Acting under the provisions of GAR 124, Giovani was charged with failing to pursue the lure with due commitment. Mr Jack pled not guilty to the charge, Giovani was found guilty and suspended for 28 days at Warragul 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**

1. Mr Shane Jack is a registered greyhound trainer and the trainer of the greyhound “Giovani”. Giovani competed in Race 4 at Warragul on 18 August 2022. Stewards alleged in their report of the race that Giovani was quick to begin, but eased visibly approaching the first turn.
2. After the event, Stewards spoke to Mr Jack about Giovani’s racing manners approaching the first turn. They laid a charge in respect of Giovani under Greyhounds Australasia Rule (“GAR”) 124, which provides so far as is material that “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…”.
3. In Rule (GAR 9), “failing to pursue” is defined to mean “when a greyhound turns its head, visibly eases, or fails to pursue the lure with due commitment, during the running of an Event”.
4. Mr Jack contested the charge. The Stewards found the charge proven. Mr Jack has appealed the decision of the Stewards to the Tribunal.
5. On 19 August 2022, the Tribunal (consisting of the Chairperson) granted a stay of the decision of the Stewards pending the hearing and determination of this appeal.
6. The question for the Tribunal to determine on the appeal is whether it was open to the Stewards to find that the greyhound visibly eased during the race.
7. To answer that question, the Tribunal viewed the replay of the race. Both side on and head on vision were observed. That vision showed Giovani begin quickly, together with one other greyhound, and come on level terms with it. The vision then showed Giovani ease behind that greyhound and drop back behind several greyhounds. Mr Jack alleged that no easing occurred, but that the other leading greyhound was simply going faster. Having viewed the replay several times, it is the view of the Tribunal that the decision of the Stewards was open to them. The appeal is dismissed.
8. During the course of the hearing, Mr Jack invited the Tribunal to view video evidence of another race on the same program where he alleges that similar racing manners did not result in a charge. That vision is of no assistance in determining the only question relevant to the appeal’s determination, that is, whether it was open to the Stewards to find that Giovani in Race 4 at Warragul on 18 August 2022 eased visibly during the running of that race. Whether another greyhound eased visibly in another race and was not charged is not relevant to any issue on this appeal, but is a matter that Mr Jack can take up with the Greyhound Racing Victoria (“GRV”) board if he wishes.
9. The 28 day suspension from racing at Warragul subject to a satisfactory trial commences from today, 24 August 2022.

Kathleen Scully
Assistant Registrar, Victorian Racing Tribunal