18 September 2020

**DECISION**

**GREYHOUND RACING VICTORIA**

**and**

**MR SHANE JACK**

**Date of hearing:** 11 September 2020

**Panel:** Justice Shane Marshall (Deputy Chairperson) and Mr Greg Childs.

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

Mr Shane Jack 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 Mr Shane Jack, the trainer of Evi Bale regarding the greyhound's racing manners entering the home straight.  Acting under the provisions of GAR 69(A)(1) Evi Bale was charged with failing to pursue the lure with due commitment.  Mr Jack pleaded not guilty to the charge, Evi Bale was found guilty and suspended for 12 months at all tracks and must perform a Satisfactory Trial (all tracks), pursuant to GAR 69(A)(2)(c) 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 ‘Evi Bale’. Evi Bale competed in Race 11 at Sale on 6 September 2020, a 440m event on the program in which it finished third.
2. After the event Stewards spoke to Mr Jack concerning Evi Bale’s racing manners entering the home straight. Stewards charged Evi Bale under Greyhounds Australasia Rule (‘GAR’)69A(1) with failing to pursue the lure with due commitment.
3. ‘Failing to pursue’ is defined in GAR1 as ‘when a greyhound turns its head or visibly eases during the running of an event’.
4. Mr Jack pleaded not guilty to the charge. The Stewards found the charge proven. Mr Jack has appealed the decision of the Stewards to the Tribunal.
5. The question for the Tribunal to determine on appeal is whether it was open to the Stewards to find that the greyhound turned its head during the race.
6. To answer that question, the Tribunal viewed the replay of the race, both side on and head on vision. The Tribunal also viewed a series of photos in sequence showing the actions of the greyhound on entering the straight.
7. The vision shows, as do the photos, that Evi Bale on entering the straight turned her head towards a greyhound on her outside. We consider that it was open to the Stewards to find that Evi Bale failed to pursue the lure with due commitment. We dismiss the appeal.
8. We note that on 16 October 2019 at Bendigo, Evi Bale was found guilty of failing to chase and was suspended for 28 days. On 28 October 2019 at Cranbourne, Evi Bale was again found guilty of failing to chase and was suspended for 28 days. The current offence resulted in a 12 month suspension under GAR69(A)(2)(c). That suspension will stand as a result of the dismissal of the appeal.
9. We note that Mr Jack suggested that the greyhound should have been charged with marring, but we saw no evidence of actual head or muzzle contact. It was open to the Stewards not to charge the greyhound with marring when it was by no means clear that there was head or muzzle contact. Any appeal against a decision on marring would have been likely to have been successful. We see no evidence of any marring at a time prior to the incident relied on by the Stewards of failing to pursue the lure with due commitment.

Mark Howard
Registrar, Victorian Racing Tribunal