24 October 2019

**DECISION**

**GREYHOUND RACING VICTORIA**

**and**

**MR SHANE JACK**

**Date of hearing:** 23 October 2019

**Panel:** Judge John Bowman (Chairperson), Justice Shane Marshall (Deputy Chairperson) and Mr Des Gleeson.

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

 Mr Shane Jack represented himself at the hearing.

**Charge:** GAR 69A(1)Unless Rule 69B otherwise applies, where, in the opinion of the Stewards, 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 greyhounds racing manners on the first turn. 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 28 days at Bendigo 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**

1. Mr Shane Jack is a registered greyhound trainer and the trainer of the greyhound Evi Bale. The greyhound raced in race 9 at Bendigo on 16 October 2019. Stewards charged the greyhound under Greyhounds Australasia Rule GAR 69A(1) for failing to pursue the lure with due commitment.
2. “Failing to pursue” is defined in GAR 1 as “when a greyhound turns its head or eases visibly during the running of an event”.
3. The greyhound was found guilty by the Stewards. The trainer has appealed to the Tribunal from that finding. The question for the Tribunal to determine the appeal is whether the decision of the Stewards was open to them. To answer that question the Tribunal viewed the video of the race. Shortly after the start of the race the Stewards contended that Evi Bale turned her head. However, the Stewards did not rely on this as part of the original charge. The Stewards also relied on photographs showing Evi Bale turning her head. In addition, Stewards contend that on the first turn Evi Bale visibly eased. The video evidence shows Evi Bale leading into the first turn then losing her momentum and then chasing once more.
4. In the circumstances we consider that the decision of the Stewards was open to them. Putting aside what happened near the start we consider that it was open to the Stewards to find that the greyhound visibly eased on the first turn.
5. We note the decision of the Stewards referred to the need for the greyhound to complete a satisfactory trial “at all tracks”. This is misleading. Under GAR 72 the trial may be conducted at any track.
6. We dismiss the appeal.

Mark Howard
Registrar, Victorian Racing Tribunal