27 March 2020

**DECISION**

**GREYHOUND RACING VICTORIA**

**and**

**MR TREVOR WHITFORD**

 **Date of hearing:** 20 March 2020

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

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

Mr Trevor Whitford 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 Trevor Whitford, the trainer of Mt. View Molly, regarding the greyhounds racing manners soon after the start. Acting under the provisions of GAR 69(A)(1) Mt. View Molly was charged with failing to pursue the lure with due commitment. Mr Whitford pleaded not guilty to the charge. Mt. View Molly was found guilty and suspended for 28 days at Healesville 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**

Mr Trevor Whitford, on behalf of Mt. View Molly, the greyhound trained by him, has pleaded ‘Not Guilty’ to breach of rule 69 (A)(1). It is alleged that, in Race 3 at Healesville on 6 March 2020 Mt. View Molly failed to pursue the lure with due commitment. The Steward found this breach of the rule proven and imposed the mandatory penalty of 28 days suspension in relation to racing at Healesville. Mr Whitford is appealing against the ruling.

At the outset, I would point out that this is the first case heard since it was decided that when possible, cases shall be heard by way of telephone link-up. Of course, this is because of the coronavirus outbreak. I thank both Mr Searle on behalf of the Stewards and Mr Whitford for agreeing to have the matter heard in this way and for their complete cooperation in ensuring that, as far as was possible, it went smoothly.

I have viewed the video of the race, and particularly the first fifty metres, many times. Mt. View Molly jumped from box 4. It veered outwards and came very close to contacting the dog that jumped from box 7. There was no dog in box 6. There was no interference to the dog from box 7. I tend to agree with Mr Whitford that his dog, when racing on the straight track at Healesville, tends to go to the outside. The dog from box 7 was clearly heading towards the inside. Actual interference or loss of ground did not occur in relation to either dog.

Mr Whitford has conceded that Mt. View Molly did turn her head at the relevant time, but argues that, in the particular circumstances, this did not constitute failing to pursue with due commitment.

Mr Searle has directed my attention to rule 1, which contains the definitions. Failing to pursue is defined as follows:

Failing to pursue means when a greyhound turns its head or visibly eases during the running of the event

Having viewed the video many times, I am satisfied that Mt. View Molly did turn her head, and indeed Mr Whitford has conceded this.

That, I’m afraid is the end of the matter. Because of the definition, failing to pursue has been made out. I have some sympathy for Mr Whitford’s position. It looked to me as if Mt. View Molly was heading to the outside. No interference was caused and both dogs ran the race right out.

However, the rule is the rule and it has been breached. The penalty is then automatic and I have no discretion to interfere with that fixed penalty of 28 days suspension at Healesville.

Accordingly, the appeal is dismissed.

Mark Howard
Registrar, Victorian Racing Tribunal