29 August 2022

**RULING**

**GREYHOUND RACING VICTORIA**

**and**

**SHANE JACK**

**Date of hearing:** 19 August 2022

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

**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

**RULING**

This matter involves an appeal by Mr Shane Jack and an application for a stay in relation to the greyhound, “Giovani”, trained by him. It was found by the Stewards that the dog had breached Greyhounds Australasia Rule (“GAR”) 124 – a failure to pursue the lure with due commitment at the Warragul meeting held yesterday, 18 August 2022. The dog was prohibited from further racing on what I might describe as the usual terms. This stay application has come on at very short notice. The dog is entered to race on Monday, 22 August 2022.

The granting of stays in cases such as this is not something that is done frequently. Indeed, I have not encountered it before. The situation is complicated by the fact that the decision of the Stewards was last night, and, as stated, the dog is entered to race on Monday next. The stay application by Mr Jack is being heard on Friday afternoon at 3.00 PM. That is no criticism of anyone. It is simply the way that the timing of things has eventuated in this particular case.

I would also point out and emphasise that the charge in question involves a failure to pursue. It is not a marring case, where different considerations might apply.

Mr Paul Searle, on behalf of the Greyhound Racing Victoria (“GRV”) Stewards, has referred me to GAR 169(5). That Rule seems to me to be discretionary in nature, so that the situation comes back to the exercise of my discretion, at very short notice.

It is now Friday, mid-afternoon. As stated, the dog involved is entered to race on Monday. The failing to chase appeal cannot be heard this afternoon due to documentation problems. Hearing the appeal on Monday, for a dog apparently due to race on Monday afternoon, does not seem to be a viable or practical option.

In the particular and somewhat unusual circumstances and timing involved in this case, I am prepared to grant a stay. The appeal can be heard on Tuesday or Wednesday of next week. Due to a three day case, starting Monday, in which I am involved, I cannot hear the appeal. However, a Deputy Chair is available. Assuming that he takes the matter, I will leave procedural matters to him.

The stay is granted. I leave it to the parties and to the Registry to arrive at a definite hearing date, which will presumably be Tuesday or Wednesday of next week.

Kathleen Scully
Assistant Registrar, Victorian Racing Tribunal