17 August 2023

**DECISION**

**GREYHOUND RACING VICTORIA**

**and**

**GEOFFREY GREEN**

**Date of hearing:** 8 August 2023

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

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

Mr Geoffrey Green represented himself.

**Charge:** Greyhounds Australasia Rule (“GAR”) 125 states:

(1) A greyhound which in the opinion of the Stewards fails to pursue the lure for the first time only must be examined by an officiating veterinarian and:

(a) if the greyhound is found to be injured, a stand-down period will apply as recommended by the officiating veterinarian and the greyhound will not be permitted to compete in an Event until the completion of a satisfactory trial (with the specifics of the injury and trial to be recorded as part of its identification record).

(b) if the greyhound is found not to be injured, then the provisions of rules 124 and 127 apply.

(2) If following an examination pursuant to this rule, a greyhound is found to be suffering from an injury, a written record or report must be provided by the veterinarian who has examined the injury, to the Stewards.

**Particulars of charge:** Bomber's Demon underwent a post–race veterinary examination and was found to have a right tarsal sprain. A 14 day stand down period was imposed. Stewards spoke to Ms Margaret Read regarding Bomber's Demon’s racing manners on the first turn. Acting under the provisions of GAR 125, Bomber's Demon was charged with failing to pursue the lure with due commitment (by reason of injury). Ms Read pled not guilty to the charge, Bomber's Demon was found guilty and must perform a Satisfactory Trial in accordance with GAR 125, and pursuant to GAR 132, before any future nomination will be accepted.

**Plea:** Not Guilty

**DECISION**

Mr Geoffrey Green, you are the trainer of “Bomber’s Demon”, which compete in Race 1 over 400 metres at Warragul on 3 August 2023. Bomber’s Demon, from the two box, ran fifth. I have viewed the video of the race many times and some still photos extracted from it, along with other races. There is no dispute but that Bomber’s Demon jumped well and led early. In the video of the first turn, the dog noticeably veered outwards and lost the lead. An official called the Authorised Rescue Attendant (“ARA”), wearing an orange jacket and standing in front of a small orange Jeep, was standing beyond the track and behind the outside rail at that point. The outside rail is in the vicinity of two to three feet high.

There is no argument but that the dog veered out in the vicinity of the ARA, lost the lead, and then came back into a normal racing position. By this time, it had dropped back and ultimately finished fifth, beaten 4.16 lengths. The incident when it ran out could well have lost it the race.

It is further noted that Bomber’s Demon suffered a right tarsal sprain. Ultimately it was found by the Stewards that there had been a breach of Greyhounds Australasia Rule (“GAR”) 125 – a failure to pursue the lure with due commitment. Apart from a 14 day stand down related to the injury, the dog must perform a satisfactory trial before any future nomination will be accepted. This finding related specifically to the failure to pursue. This is the subject of your appeal.

I also accept that there was a delay in declaring “All Clear” in order that what occurred, and the possible role of the ARA, could be considered. Ultimately, the “All Clear” was posted.

Your argument is that the dog, which was probably going to win, was distracted by the ARA in the orange outfit standing close to the rail. You also submitted that the ARA’s position subsequently altered.

I accept the evidence of the Stewards that the ARA and his vehicle are positioned, and were positioned, in the same place for all races at Warragul, both on this occasion and usually. Still photographs extracted from race videos show the ARA to be in approximately the same spot for three races on 1 August 2023, for your race on 3 August 2023 and for Race 4 on 3 August 2023. I accept that these are random extracts. The extract from Race 4 on 3 August would seem clearly to disprove your assertion made at one stage that the official was in the wrong spot, too close, for races 1 and 2 and then disappeared. The official clearly is in approximately the same position for Race 4. I do not accept that there had been anything unusual about the ARA’s positioning for Race 1. There is no suggestion that any other dog racing on that night ran wide in the manner of Bomber’s Demon.

I accept that the dog did suffer an injury. I also accept that the ARA was in a proper and usual position. In summary, I am comfortably satisfied that the charge was warranted, reasonable and proven, with the usual or appropriate penalty resulting from it.

In short, the appeal is dismissed.

Kathleen Scully

Assistant Registrar, Victorian Racing Tribunal