23 November 2023

**DECISION**

**GREYHOUND RACING VICTORIA**

**and**

**VANESSA JOHNSON**

**Date of hearing:** 9 November 2023

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

**Appearances:** Mr Alex Kitching appeared on behalf of the Stewards.

Mr Gerry Orr represented Ms Johnson.

**Charge:** Greyhounds Australasia Rule (“GAR”) 124 states:

(1) 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:** Fernandes Mac visibly eased turning out of the home straight and again approaching the winning post, underwent a post–race veterinary examination and was found to have sprains to the left and right wrists. A 7 day stand down period was imposed. Stewards spoke to kennel representative Mr. Gerry Orr regarding Fernandes Mac’s racing manners. Acting under the provisions of GAR 124, Fernandes Mac was charged with failing to pursue the lure with due commitment. Mr. Orr pleaded not guilty to the charge. Fernandes Mac was found guilty and suspended for 28 days at The Meadows 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

**DECISION**

In this appeal, Mr Alex Kitching appeared on behalf of the Stewards and Mr Gerry Orr appeared on behalf of Ms Vanessa Johnson, the trainer of the dog, Fernandes Mac.

Fernandes Mac competed in Race 12 over 525 metres at the Meadows on 1 November 2023. Fernandes Mac had drawn box 8. The dog finished last in the event. After the race, the Stewards charged the dog with failing to pursue – a breach of GAR 124. The Stewards alleged that there had been two instances of failing to pursue. The earlier was in the vicinity of the turn out of the straight and the second was in the concluding stages of the event, particularly the last 25m. I have had the benefit of submissions by both Mr Kitching and Mr Orr. I have also viewed the video of the race, which video covers a number of angles, and have so viewed it many times. Mr Orr alleged that the dog did not ease on the first turn, but, in essence, simply moved from an outside position to the rails without changing stride. If the dog swished its tail, it was to maintain stability, particularly as it had been involved in a fall two starts previously. He claimed that it was not an example of failing to pursue.

In relation to the second incident in the home straight about 25 metres from the finishing line, Mr Orr claimed that the dog slipped, but, in any event, it almost caught the dog ahead of it.

Mr Kitching maintained that both incidents involved a failure to pursue, with the second incident being perhaps more obvious.

I note that after the race the dog was stood down for 7 days due to sprain of both wrists. No great emphasis was placed upon this.

As stated, I have viewed the video material a number of times. I am satisfied that the charge has been made out.

On the first corner, Fernandes Mac noticeably eased from being approximately fifth and about three dogs wide to last and on the rails. Over approximately the last 25 metres, the dog again swished its tail and eased. It had been making up some ground on the second last dog.

When all of above is considered, it seems to me that the decision of the Stewards was correct and that they were entitled to find that there were two incidents of failing to pursue. One was approximately on the first turn and the second over approximately the last 25 metres of the race.

Accordingly, I am comfortably satisfied that the appeal should be dismissed.

Mark Howard

Registrar, Victorian Racing Tribunal