22 January 2024

**DECISION**

**GREYHOUND RACING VICTORIA**

**and**

**BRIAN HODGSON**

**Date of hearing:** 4 January 2024

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

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

Mr Brian Hodgson 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: “**Major Bomber” underwent a post–race veterinary examination–no apparent injury was reported. Stewards spoke to Mr. Brian Hodgson regarding Major Bomber’s racing manners approaching the winning post. Acting under the provisions of GAR 124, Major Bomber was charged with failing to pursue the lure with due commitment. Mr. Hodgson pleaded not guilty to the charge. Major Bomber was found guilty and suspended for three months at all tracks and must perform two Satisfactory Trials in accordance with GAR 127, and pursuant to GAR 132, before any future nomination will be accepted.

**Plea:** Not Guilty

**DECISION**

Mr Brian Hodgson, as the trainer of “Major Bomber”, you are appealing against a decision of the Stewards arising out of the running of Race 12 at Healesville on 31 December 2023. Major Bomber in fact won the race. The Stewards subsequently found that there had been a breach of Greyhounds Australasia Rule (“GAR”) 124, which concerns failing to pursue the lure with due commitment. Major Bomber was found guilty and suspended for three months at all tracks. It is also required to perform satisfactory trials before any future nomination would be accepted. Those findings are now being appealed.

I have viewed the video material many times. I have also had the benefit of helpful submissions from yourself and from Mr Kitching, on behalf of the Stewards.

This is a somewhat unusual, although not unique, case. The race was over 300 metres, and, being at Healesville, on the straight track. Major Bomber, the pink dog, was prominent throughout. In the closing portions of the race, the dog to its inside apparently sustained some injury and began yelping. Major Bomber turned its head very slightly, and then resumed racing truly. However, very close to the line, it turned its head quite noticeably, presumably distracted by the yelping of the injured dog. Whilst the Stewards rely on both incidents, clearly the second turning of the head was far more noticeable.

Whilst it may have been a close run thing, I am confident that the second, and major, turning of the head did occur before the finishing line. Indeed, virtually there was no real challenge to this proposition.

I appreciate your submissions on behalf of Major Bomber. Clearly the yelping of the other dog could have been a significant distraction. I also note your submission concerning the placement of the catching pen.

However, the Stewards have made out their case. There was a lack of due commitment, particularly with the second head-turning episode. I repeat that the situation was unusual, and, whilst it is slight consolation, I do have some sympathy for you given the way things eventuated.

However, the ingredients of the charge have been made out. I am also of the view that the Stewards were within their rights in imposing the penalty which they did. I accept that the first, more slight, head turn may have warranted only a warning. However, the second and major head turn did constitute a failure to pursue with due commitment and I am comfortably satisfied that the Stewards were entitled to impose the penalty which they did.

I repeat that I have some sympathy for you in the unlucky circumstances that occurred, but the ingredients of the charge have been established to my comfortable satisfaction and the penalty, which could be described as being the usual penalty in the circumstances, is one that was certainly open to them and seems appropriate.

Accordingly, the appeal is dismissed.

Kathleen Scully

Acting Registrar, Victorian Racing Tribunal