10 January 2024

**DECISION**

**GREYHOUND RACING VICTORIA**

**and**

**KYLIE MUSCAT**

**Date of hearing:** 5 January 2024

**Panel:** Justice Shane Marshall (Deputy Chairperson) and Mr Des Gleeson.

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

Ms Kylie Muscat represented herself.

**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:** Rev Olive (visibly eased soon after the start) underwent a post–race veterinary examination and was found to have a right monkey muscle injury. A 21 day stand down period was imposed. Stewards spoke to trainer Ms K Muscat regarding the greyhound's racing manners soon after the start. Acting under the provisions of GAR 125, Rev Olive was charged with failing to pursue the lure with due commitment (by reason of injury). Ms Muscat pleaded not guilty to the charge, Rev Olive 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**

1. Ms Kylie Muscat is a registered greyhound trainer. On 1 January 2024, she presented “Rev Olive” in Race 6 at Ballarat.
2. After the race, the Stewards charged the greyhound with an offence pursuant to Greyhounds Australasia Rule (“GAR”) 125 for failing to pursue the lure by reason of injury – first time only.
3. “Failing to pursue” is defined in the GARs as “when a greyhound turns its head, visibly eases or fails to pursue the lure with due commitment during the running of a race”.
4. The Stewards found the greyhound guilty, imposed a penalty of a 21 day stand-down and required a satisfactory trial before the greyhound could start again.
5. Ms Muscat has appealed from the decision of the Stewards. In order for the appeal to succeed, the Tribunal must be satisfied that the decision of the Stewards was not reasonably open to them.
6. Shortly after the commencement of the race, Rev Olive caught her foot in her muzzle and lost balance. At that point, as a consequence of that action, she visibly eased. She gathered herself and ran on for some five more strides before injuring her monkey muscle.
7. At that point, Rev Olive stopped for a short time and then continued to race.
8. These facts are accepted by Ms Muscat. On these facts, it is apparent that for at least a short period of time, the greyhound failed to pursue the lure with due commitment due to her injury.
9. In those circumstances, the Tribunal is satisfied that the decision of the Stewards was reasonably open to them. The appeal is dismissed.

Kathleen Scully

Acting Registrar, Victorian Racing Tribunal