26 April 2024

**DECISION**

**GREYHOUND RACING VICTORIA**

**and**

**JASON THOMPSON**

**Date of hearing:** 15 March 2024

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

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

Mr Jason Thompson represented himself.

**Charge:** Greyhounds Australasia Rule (“GAR”) 123 states:

If a greyhound fails to perform to the satisfaction of the Stewards during the running of an Event, the Stewards may:

Where, in the opinion of the Stewards, a greyhound is found to have marred 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:** Verdi marred Ayia Neighbour approaching the winning post, underwent a post–race veterinary examination – no apparent injury was reported. Stewards spoke to Mr. Luke Thompson regarding Verdi's racing manners approaching the winning post. Acting under the provisions of GAR 123, Verdi was charged with marring. Mr. Thompson pleaded not guilty to the charge. Verdi was found guilty and was suspended for 28 days at Healseville 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**

Mr Jason Thompson, you are the licensed trainer of Verdi, which competed in Race 3 at Healesville on 13 March 2024. After the race, the Stewards charged Verdi with marring – that is a breach of GAR 123. The incident or incidents occurred close to, but before, the finishing line. Verdi, the red dog, was on the inside of Ayia Neighbour, which ultimately won the race. Verdi finished second.

I have viewed carefully all the available coverage of the race, including the somewhat blurry head on vision. Other coverage was side on, both video and still shots.

GAR 123 is clear. The essential ingredient of marring is muzzle contact to the body of another greyhound.

Detailed and forceful submissions were made by both Mr Kitching on behalf of the Stewards and by Mr Thompson. An ingredient of Mr Thompson’s submissions was that it was whole body contact that was made, as opposed to the dog turning its head and making contact with it. Verdi apparently prefers racing competitively wide on the track and it is alleged that it moved its whole body to the outside, rather than marring. Thus, it is argued if it made any muzzle contact it was part of an overall shift, rather than the turning of the head and making some contact.

As stated, I have viewed the video material several times, including the slow motion side on vision and the still photographs.

The Rule is a comparatively simple one with no built-in qualification or conditional clauses that may excuse relevant contact. I can appreciate Mr Thompson’s concern. There is no suggestion that the alleged marring in any way affected the outcome of the race.

However, in my opinion muzzle contact clearly occurred, even if it may have been part of the attempt by Verdi to move the dog on its outside out of the way.

The bottom line is that illegal contact occurred, with the muzzle of Verdi twice coming into contact with the body of Ayia Neighbour.

As marring goes, this may have been towards the bottom of any scale of severity. However, the Rule could be described as an absolute one.

I am comfortably satisfied that marring by Verdi did occur and that the ingredients of the charge pursuant to Rule 123 have been made out.

Accordingly, the appeal is dismissed.

Mark Howard

Registrar, Victorian Racing Tribunal