28 August 2024

**DECISION**

**GREYHOUND RACING VICTORIA**

**and**

**BENJAMIN ABELA**

**Date of hearing:** 13 August 2024

**Date of decision:** 13 August 2024

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

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

Mr Jeff Abela represented Mr Benjamin Abela.

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

Failing to pursue by reason of injury – first time only

(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:** Crusoe Pearl (faltered in the back straight before visibly easing and turning head outwards in the home straight) underwent a post-race veterinary examination and was found to have injuries to the left triceps muscle and right hamstring and a right hock sprain. A 21 day stand down period was imposed. Stewards spoke to kennel representative Mr. Jeffrey Abela regarding Crusoe Pearl’s racing manners. Acting under the provisions of GAR 125, Crusoe Pearl was charged with failing to pursue the lure with due commitment (by reason of injury). Mr. Abela reserved his plea to the charge. Crusoe Pearl 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 Benjamin Abela, is appealing against a decision of the Stewards made in relation to the performance of Crusoe Pearl in Race 8 over 525 metres at the Meadows on 7 August 2024.

It is alleged by the Stewards that there was a breach of GAR 125 in that Crusoe Pearl failed to pursue by reason of injury. Accordingly, if that be so the dog is required to perform a satisfactory trial before resuming relevant racing.

Helpful submissions were made by Mr Paul Searle on behalf of the Stewards and Mr Jeffrey Abela on behalf of Mr Benjamin Abela. In addition, I was able to view the video of the race many times and also to examine the still photographs.

There is no argument but that Crusoe Pearl suffered an injury in the earlier stages of the race and dropped out to be last by many lengths. There is also no doubt but that it was in such a position approaching the home turn.

However, on or immediately after that turn, two other dogs ran off and began playing or half-heartedly fighting. Crusoe Pearl turned her head, slowed further and drifted out to join those playing dogs.

Amongst other things, Mr Abela advanced arguments based upon the distance that Crusoe Pearl was taken from the lure as a result of the injury and whether or not the lure was still visible to her. He submitted that the dog effectively ran off to join the other two dogs on the outside of the track in the belief that the race was effectively over and that the lure had gone.

I appreciate these and the other arguments advanced, including reliance upon other very recent incidents.

However, the bottom line is that I am of the opinion that the ingredients of the Charge have been made out. It is unfortunate that the injury suffered caused the dog to be a distant last. The fact remains that, on or immediately after the home turn, Crusoe Pearl ceased to chase the lure and ran off to join some other dogs. Thus, she failed to pursue and that failure was contributed to by the injury suffered and which put her in that position.

This was not a frivolous appeal, but the ingredients of the Charge have been made out to my comfortable satisfaction.

In short, the appeal is dismissed.

Mark Howard

Registrar, Victorian Racing Tribunal