7 October 2024

**DECISION**

**GREYHOUND RACING VICTORIA**

**and**

**NEVILLE BISCHARD**

**Date of hearing:** 26 September 2024

**Date of decision:** 26 September 2024

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

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

Mr Neville Bischard 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:** Aussie Can (turned its head inwards in running) underwent a post–race veterinary examination – no apparent injury was reported. Trainer, Neville Bischard, declined the option to have the greyhound re–examined. Stewards spoke to Mr Bischard regarding Aussie Can's racing manners shortly after the start. Acting under the provisions of GAR 124, Aussie Can was charged with failing to pursue the lure with due commitment. Mr. Bischard pleaded not guilty to the charge. Aussie Can was found guilty and suspended for 28 days (1st offence) at Healesville 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 Neville Bischard, you are the trainer of “Aussie Can” which competed in Race 2 at Healesville on 22 September 2024. Being at Healesville, this was a straight race over 300 metres.

After the race, the Stewards found that Aussie Can, which started from Box 6, had turned its head towards the running rail after covering approximately 50 metres. It also crossed to the rail. Aussie Can ultimately finished second in the race, beaten by a very narrow margin of about a head. After the occurrence of the head turning and the dog moving to the rail, it thereafter ran straight and in a manner which did not breach the Rules. The Stewards found that what occurred at approximately the 50 metre mark was in fact a breach of Greyhounds Australasia Rule (“GAR”) 124. The penalty imposed on Aussie Can was that fixed by the Rule, being a suspension of 28 days at Healesville and the performance of a satisfactory trial in accordance with GAR 127 and pursuant to GAR 132.

You are appealing against this finding and penalty. Essentially, you submit that Aussie Can is a smart dog. It started from Box 6 and proceeding in a straight line, then turned its head and looked towards the rail. It then crossed safely to the inside rail and raced in a straight line thereafter. You explained the smartness or clever nature of the dog. Effectively, you did concede that the dog may have lost a little ground, but then quickly made this up. You did not argue with the estimate of Mr Searle that the dog lost approximately a length.

GAR 124 is a comparatively straight forward Rule. A dog turning its head effectively breaches the Rule, the rationale being a failure to pursue.

Unfortunately for you, the video and the still shots clearly indicate a very noticeable turning of the head at approximately the 50 metre mark and with Aussie Can moving to the inside rail. This seems to me clearly to establish a breach of the Rule. It turned its head to the inside in running and did this in quite a noticeable way. It moved to the inside rail, and then raced truly.

The ingredients of the charge have been proven to my comfortable satisfaction. I appreciate your arguments and your disappointment in relation to an upcoming event in which the dog was scheduled to compete.

However, the Rule has been breached and the appropriate, and virtually automatic, penalty imposed. I am comfortably satisfied that the appeal should be dismissed, and it is so dismissed accordingly.

Kathleen Scully

Assistant Registrar, Victorian Racing Tribunal