

**DECISION ON AN INTERNAL REVIEW APPLICATION UNDER
SECTION 91 OF THE *GREYHOUND RACING ACT 2017***

Matters for determination	Decisions dated 21 December 2022 and 2 January 2023 of Stewards
Internal review decision date	25 January 2023
Internal review decision by	Mr Matthew Tutt Director Compliance, Policy & Legal
Internal review decision summary	To confirm the original decision/s imposed by the Stewards on 21 December 2022 and 2 January 2023.

REASONS FOR DECISION

1. These are the reasons for the decision following an application by Mr Adam Wade (“**Mr Wade**”) for internal review under the *Greyhound Racing Act 2017* (“**Act**”) of a decision of a Steward. The original decision was to charge Mr Wade for one breach each of Rule 125 and Rule 127(a) and to place an endorsement on the greyhound ‘Wobble Board’ (“**the Greyhound**”).
2. This is a reviewable decision within the meaning of section 91(1) of the Act. As I was not involved in making the original decision, I have dealt with this application for review.
3. Under section 91(7) of the Act, an internal reviewer is empowered to:
 - Confirm the reviewable decision the subject of the application; or
 - Vary the reviewable decision; or
 - Revoke the reviewable decision.

Background

4. On 17 December 2022, Mr Wade attended the Richmond race meeting. The Greyhound participated in race 12. After the race, Stewards determined that the Greyhound had failed to pursue during the race and had therefore breached Rule 124 of the *Greyhound Racing Rules* (“Rules”). Rule 124 of the Rules relevantly reads:

Rule 124, Rules

(1) 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.

5. On 21 December 2022, Mr Wade provided veterinary evidence regarding the Greyhound to Stewards. On consideration of this further evidence, the Stewards amended his original

determination to find that the Greyhound had breached Rule 125(1)(a), in that it had failed to pursue during a race as a result of injury. Rule 125 reads as follows:

Rule 125, Rules

(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).

6. On 2 January 2023, the Greyhound participated in a clearance trial at the Richmond race track before Stewards who determined that the Greyhound had not successfully completed the clearance trial, and was consequently not cleared to race.
7. On 3 January 2023, Mr Wade contacted the Commission's Chief Steward seeking a review of the decision that the Greyhound had failed the clearance trial.
8. On 9 January 2023, the Chief Steward advised Mr Wade that he confirmed the decision by Stewards not to clear the Greyhound following the trial on 2 January 2023. The embargo preventing the Greyhound from racing consequently remained in place.

Internal Review Application

9. Mr Wade has applied for an internal review of the original decision of Stewards, and also the decision on review by the Chief Steward.
10. The internal review has been conducted on the papers.
11. As the internal reviewer, I have had regard to all the evidence considered by both the steward at the race meetings and the Chief Steward, together with Mr Wade's written submissions made via email.

Decision

12. Mr Wade is effectively seeking a review of a Steward's decision on 17 December 2022 to issue a fail to pursue by reason of injury under Rule 125 of the Rules ("**First Decision**"), and the subsequent decision by Stewards on 2 January 2023 to determine that the Greyhound did not obtain clearance when it participated in a trial under Rule 123 of the Rules ("**Second Decision**").
13. Mr Wade also seeks a review of the decision made by Chief Steward as a result of the Chief Steward's review on 9 January 2023, to confirm the First and Second Decisions.
14. I have had regard to all the evidence, including the documentation contained as part of the internal review application, and the footage of the race on 17 December 2022, and the footage of the subsequent clearance trial conducted on 2 January 2023.

15. In determining the matter as an Internal Review under Section 91 of the Greyhound Racing Act (“**Act**”), I must consider the relevant reviewable decisions under the Act. The decisions I consider reviewable in this instance are those Steward decisions, being the issuing of the failing to pursue endorsement and determining that the greyhound did not obtain a clearance in the satisfactory trial. I do not consider the decision of the Chief Steward to be reviewable under this section.

Richmond - 17 December 2022 - Race 12

16. The failing to pursue endorsement issued on 17 December 2022 (amended on 21 December 2022) was issued to Mr Wade by Stewards following the Greyhound’s participation in a race at the Richmond race track that same date (“**First Event**”).

17. The Greyhound finished in equal first place. I have reviewed the video recording of the First Event, and I am of the view that the Greyhound was the leading greyhound approximately 50 metres from the winning post, and that as the Greyhound approached the winning post she commenced to ease.

18. Under rule 9 ‘failing to pursue’ is defined as *“when a greyhound turns its head, physically eases, or fails to pursue the lure with due commitment, during the running of an event.”*

19. I find that during the First Event the Greyhound visibly eases when approaching the winning post. I am of the view that had the Greyhound not eased, then it would have won the race outright rather than dead heating.

20. The subsequent provision of veterinary report by Mr Wade was dealt with fairly by Stewards by issuing an endorsement under Rule 125 of the Rules for failing to pursue by reason of injury. The consequence of such an endorsement is that the greyhound must complete a satisfactory trial to compete in a race.

“Satisfactory Trial” – 2 January 2023

21. Mr Wade also seeks an Internal Review of the decision to not clear the Greyhound in the satisfactory trial held at Richmond race track on 2 January 2023 (“**Second Event**”).

22. I have viewed the footage of the Second Event and note that it was a three greyhound trial, as must be the case under normal trialling conventions. From my observations of the footage the Greyhound was leading in the trial. One of the other two greyhounds looks to have suffered an injury and finished a long way from the other two. What is also clear in my view is that the Greyhound, whilst although leading in the trial, visibly eased as it was approaching the winning post.

23. Mr Wade submits that the five-length margin and the time of the trial being 17.73 seconds should be considered relevant factors to obtain a clearance for the Greyhound to

recommence racing. Whilst these factors may have some relevance when obtaining a clearance for the Greyhound, they are not determinative factors.

24. What is relevant in obtaining a clearance in a satisfactory trial is that the Greyhound performs to the satisfaction of the Stewards or another authorised person pursuant to Rule 132 of the Rules. The Stewards determined that the Greyhound eased before completing the trial. This is apparent to me on the film and I consider that the Stewards made the correct decision.
25. Satisfactory trials are an important mechanism to ensure that greyhounds who have received endorsements, such as under Rule 125 of the Rules, are cleared to recommence racing. If a greyhound performs unsatisfactorily in the “satisfactory trial”, such as by easing, then the Stewards must discharge their responsibilities and not provide a clearance.
26. Taking into account all of the evidence and the submissions made by Mr Wade, I am satisfied that the Stewards made the correct decision in relation to the fail to pursue endorsement and further in their decision to not provide a clearance.
27. For completeness and whilst not part of the Internal Review under Section 91(1)(b) of the Act, the decision of the Chief Steward not to disturb the original decisions made by Stewards was also correct.
28. In accordance with section 91(7)(a) of the Act, I have determined to confirm the original decision/s imposed by the Steward on 21 December 2022 and 2 January 2023.