2 May 2023

**DECISION**

**GREYHOUND RACING VICTORIA**

**and**

**GERRY ORR**

**Date of hearing:** 21 April 2023

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

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

Mr Gerry Orr 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 of charge: “**Fernandes Mac” visibly eased approaching the winning post, underwent a post-race veterinary examination and was re-examined following event 7. No apparent injury was reported. Stewards spoke to Mr Gerry Orr regarding Fernandes Mac's racing manners approaching the winning post. Acting under the provisions of GAR 124, Fernandes Mac was charged with failing to pursue the lure with due commitment. Mr. Orr pled not guilty to the charge. Fernandes Mac was found guilty and suspended for 28 days 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**

In this matter, Mr Gerry Orr is appealing against the decision of the Stewards in relation to an alleged breach of Greyhounds Australasia Rule (“GAR”) 124 – failing to pursue. It concerns the greyhound, “Fernandes Mac”, which is trained by him and which competed in Race 5 at Healesville on 16 April 2023.

The allegation by the Stewards is that Fernandes Mac visibly eased approaching the winning post and that it failed to pursue the lure with due commitment.

The matter is complicated by the fact that Fernandes Mac was marred by “Not Happy Jan” approaching the winning post. The argument advance by Mr Searle on behalf of the Stewards is that the failing to pursue had commenced prior to the marring and that the charge was made out accordingly. Not Happy Jan was charged with marring.

The situation is not assisted by the video material available. That is in no way a criticism of the Stewards. They can only work with the facilities made available to them. That situation may be made more difficult by the fact that Healesville is a short, straight track, with apparent resultant problems of camera angles.

I have viewed the video many times. It does not appear to me that Fernandes Mac had eased or altered stride prior to the marring. There was a runaway leader who was distancing the field and Fernandes Mac was on the outside of the chasing pack. The dog which marred it was to its immediate inside. It did not appear to me that Fernandes Mac failed to pursue the lure with due commitment prior to the marring occurring shortly before the finishing post. Before the marring, the dog appeared to be striding consistently, pursuing the lure and not looking to either side. I repeat, my observation about the camera angles.

In any event, I uphold the appeal the and the charge is dismissed.

Kathleen Scully

Acting Registrar, Victorian Racing Tribunal