17 May 2023

**DECISION**

**GREYHOUND RACING VICTORIA**

**and**

**GERRY ORR**

**Date of hearing:** 5 May 2022

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

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

Mr Gerry Orr represented himself.

**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.

**Particulars of charge:** Fernandes Mac visibly eased in the home straight, underwent a post–race veterinary examination and was found to have a right hind back muscle injury. A 7 day stand down period was imposed. Stewards spoke to trainer Mr Gerry Orr regarding Fernandes Macs’s racing manners in the home straight. Acting under the provisions of GAR 125, Fernandes Mac was charged with failing to pursue the lure with due commitment (by reason of injury).  Mr. Orr pled not guilty to the charge, Fernandes Mac 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 Gerry Orr, you are appealing against a decision of the Stewards arising out of the running of Race 12 at Warragul on 30 April 2023. In that race, Fernando Mac, trained by you, ultimately finished sixth in a field of eight.

The Stewards have alleged that Fernando Mac visibly eased in the home straight. A post-race veterinary examination revealed a right hind back muscle injury and a seven day stand down period was imposed. Pursuant to GAR 125, Fernando Mac was charged with failing to pursue the lure with due commitment by reason of injury. You pleaded not guilty to the charge. Fernando Mac was found guilty and must perform a satisfactory trial in accordance with GAR 125 and pursuant to GAR 132 before any future nominations will be accepted. The charge arose from an alleged failure to pursue in the home straight.

I have viewed the video material a large number of times – both the full race coverage and the head on video. The head on video covering the home straight is unsatisfactory and Mr Kitching, on behalf of the Stewards, agreed that there were problems. It is grainy and it is very difficult to ascertain what occurred with any confidence.

The side-on video is also far from perfect. It is asking a lot of the Stewards to have to work with poor coverage such as this. To state the obvious, things happen very quickly in a greyhound race. Even to the very well trained eyes of the Stewards, there is a lot to absorb in a very short time and the video coverage is doubtless of great assistance. The video coverage of this race was far from perfect.

The bottom line is that in my opinion the appeal should be upheld. The video material simply does not do its intended job of depicting what occurred. To my mind, it does not establish that a failure to pursue with due commitment by Fernando Mac occurred. The tasks to be performed by the Stewards are demanding and, in a sport or business such as this, quick decisions must be made. They are entitled to have available better video material than that which seems to have been provided in the present case.

On the balance of the evidence, it seems to me that the Charge must fail. Accordingly, the appeal is allowed and the decision of the Stewards relating to Race 12 at Warragul on 30 April 2023 is set aside.

Mark Howard

Registrar, Victorian Racing Tribunal