3 June 2022

**DECISION**

**HARNESS RACING VICTORIA**

**and**

**ROBERT MURRAY**

**Date of hearing:** 31 May 2022

**Panel:** Judge John Bowman (Chairperson) and Judge Kathryn Kings.

**Appearances:** Mr Andrew Cusumano appeared on behalf of the Stewards.

Mr Matthew Hammond represented Mr Robert Murray.

**Charges and particulars:**

**Charge One: AHRR 218**

Australian Harness Racing Rule (“AHRR”) 218 which reads as follows:

*A person having responsibility for the welfare of a horse shall not fail to care for it properly.*

**The particulars of the charge being:**

1. At all relevant times, you resided at 490 Cureton Avenue, Nichols Point, a property where standardbred horses were stabled and trained.

2. On or about 30 December 2020, the standardbred S2180968 (known as ‘Elderado Boy’) (the Horse) was brought to 490 Cureton Avenue, Nichols Point for the purpose of being broken-in for its owner Mr Donald Pimm.

3. You were primarily responsible for breaking-in the Horse at 490 Cureton Avenue, Nichols Point and, at all relevant times, had a responsibility for the welfare of the Horse.

4. On or about 30 January 2021, the Horse suffered deep lacerations to the right front leg, an injury which required immediate veterinary attention and treatment.

5. By failing to present the Horse to a Veterinarian for attention and treatment after you were aware of the injury, you failed to care for the Horse properly.

**Charge Two: AHRR 218**

Australian Harness Racing Rule (“AHRR”) 91(1)(a) which reads as follows:

*A person shall not carry on an activity regulated by licence –*

*(a) If that person is not the holder of a current licence.*

**The particulars of the charge being:**

1. At all relevant times, you were not the holder of a current harness racing licence.

2. On or about 30 December 2020, the standardbred S2180968 (known as ‘Elderado Boy’) (the Horse) was brought to 490 Cureton Avenue, Nichols Point for the purpose of being broken-in for its owner Mr Donald Pimm.

3. Between on or about 30 December 2020 and 9 April 2021, you engaged in activity regulated by licence, namely carrying out track work; and preparing, educating and / or exercising the Horse.

**Charge Three: AHRR 218**

Australian Harness Racing Rule (“AHRR”) 231(2) which reads as follows:

*A person shall not misconduct himself in any way*

**The particulars of the charge being:**

1. On 9 April 2021, HRV Investigative Stewards Russell Anderson and Brad Powell attended to 490 Cureton Avenue, Nichols Point, where you were present with the standardbred S2180968, known as ‘Elderado Boy.’

2. You misconducted yourself during the Stewards’ attendance, in that you directed the following remarks to Mr Anderson:

(a) “I know how youse work mate. Don’t fuck me around, alright. I know how youse work. You’re weak as fucking piss, alright.”

(b) “I’ve got a job to do too, but I don’t act like a fucking arsehole when I have to do it”

**Pleas:** Guilty to charges 2 and 3

**DECISION**

Mr Robert Murray, you have pleaded guilty to two charges. One is a breach of Rule 91(1)(a), which we would summarise as carrying on an activity for which you required, but did not have, a current licence. The second is a breach of Rule 231(2). It relates to your misconduct in the way that you addressed and swore at Steward Mr Russell Anderson. At least in part, both charges are linked to the case of Ms Raharna McDonald – see our decision of 5 April 2022.

Mr Andrew Cusumano appeared on behalf of the Stewards. Mr Matthew Hammond appeared on your behalf. The parties have agreed upon proposed penalties for each charge. Whilst the final decision on penalty remains ours, we say now that we consider the proposed penalties to be appropriate and we congratulate the parties for adopting such a sensible approach.

We accept that you are taking the appropriate steps to become licensed. We also accept that you are deeply apologetic for your behaviour towards Mr Anderson and have been so virtually since it occurred. Such an apology is certainly warranted. The task of the Stewards is difficult enough without them having to put up with abuse of the type that you directed to Mr Anderson.

We agree that the penalties are appropriate. They have been proposed by experienced representatives. We see no reason to interfere with them.

Thus, on the breach of Rule 91(1)(a) you are fined $200. On the breach of Rule 231(2) – the abuse of Mr Anderson – the penalty is a fine of $1,000 of which $500 is suspended for 12 months pending no further breach of Rule 231 in that period. We are confident that there will be no such breach.

Mark Howard
Registrar, Victorian Racing Tribunal