17 August 2023

**DECISION**

**GREYHOUND RACING VICTORIA**

**and**

**PAUL HERRY**

**Date of hearing:** 8 August 2023

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

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

Mr Paul Herry represented himself.

**Charge:** Greyhounds Australasia Rule (“GAR”) 129 states:

If a greyhound fails to perform to the satisfaction of the Stewards during the running of an Event, the Stewards may:

(a) order that the greyhound complete a satisfactory trial before being eligible to be nominated for or compete in any Event; and/or

(b) order that before the greyhound is eligible to be nominated for or compete in any Event its trainer or connections must produce a veterinary certificate certifying that it is not suffering from an injury or condition to the satisfaction of the Stewards.

**Particulars of charge:** Rose Of Terang lost ground on first turn and trailled the field, underwent a post–race veterinary examination and was found to have a right pencil muscle injury. A 7 day stand down period was imposed. Stewards spoke to Mr Herry regarding Rose Of Terang’s performance. After hearing submissions from Mr Herry, viewing the available race footage and acting on their observations, Stewards deemed the performance of Rose Of Terang unsatisfactory. Rose Of Terang must perform a Satisfactory Trial in accordance with GAR 129, and pursuant to GAR 132, before any future nomination will be accepted.

**Plea:** Not Guilty

**DECISION**

This matter concerned the performance of “Rose Of Terang” in Race 1 over 390 metres at Warrnambool on 31 July 2023. Races over 390 metres are the shortest at Warrnambool. The dog finished a distant last. It recorded a time that was 0.376 of a second outside the Satisfactory Trial Time Standards Guide. It did suffer a minor injury. The Stewards deemed its performance to be unsatisfactory and it was required to perform a satisfactory trial before any future nomination would be accepted. Reference was made to Greyhounds Australasia Rule (“GAR”) 129 and to 132. Mr Herry, the trainer of the dog, appealed this decision.

I say at the outset that Mr Herry withdrew his appeal during the conduct of it. The case has been presented as a decision on the Tribunal’s website because it is a good example of how common sense and cooperation can lead to what is hopefully a satisfactory outcome for all concerned.

In the course of discussion, Mr Herry raised the issue of possible withdrawal of the appeal. Discussion ensured, this also involving the Chief Steward, Mr Paul Searle. Mr Herry had formed the opinion that Rose Of Terang simply may not be able to stay the distance of 390 metres, having dropped back noticeably in its last two attempts. Apparently, there are races over 305 metres run regularly at Mount Gambier meetings. The shorter distance may well suit Rose Of Terang.

Mr Searle confirmed that Rose Of Terang could trial at Mount Gambier over that shorter distance and this would constitute a satisfactory trial, following which it could then compete at any track, with the exception of Warrnambool. To race there, it would still have to trial satisfactorily over 390 metres.

This was an outcome that was acceptable to Mr Herry. There was some further discussion, all of which was carried out in a polite and respectful manner. Accordingly, Mr Herry withdrew his appeal.

I commend the parties for the manner in which this appeal was conducted and the helpful discussion which took place.

Kathleen Scully

Assistant Registrar, Victorian Racing Tribunal