28 March 2024

**DECISION**

**GREYHOUND RACING VICTORIA**

**and**

**PAUL HERRY**

**Date of hearing:** 25 March 2024

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

**Appearances:** Mr Alex Kitching 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:** Rose of Terang underwent a post-race veterinary examination - no injury reported. Stewards spoke to Trainer Paul Herry regarding the greyhound’s performance in the event. After hearing submissions from Mr Herry, viewing the race footage, acting on their observations and considering the time the greyhound ran, Stewards deemed the performance 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**

Mr Paul Herry, you are appealing against the decision of the Stewards that a dog trained by you, namely Rose of Terang, gave an unsatisfactory performance in Race 1 at Geelong on Friday, 15 March 2024. The race was a 400 metre maiden. Rose of Terang had drawn Box 3. After showing some early speed, the dog finished a distant last in a field of seven. She was a longshot in the race, with a starting price of $72.60.

On the face of it, this was an unsatisfactory performance, finishing many lengths behind the second last dog and with a finishing time of 24.03 seconds. The winner recorded 22.79 seconds.

I have viewed the video many times, and examined the material supplied by the Stewards. I also take into account the very fair submissions of Mr Alex Kitching on behalf of the Stewards.

The case is complicated by the unsatisfactory nature of the video evidence, there being a problem caused by the position of the setting sun. The race was conducted at 7.12pm. Portions of the video material, and particularly the head on shots, are difficult, if not impossible, to decipher. The effective absence of that head on material is important.

What is clear from the balance of the usual side on footage is that Rose of Terang jumped well, almost if not, leading, and then was approximately second on settling. She then dropped back into a group of dogs. She clearly suffered interference in that group. Mr Kitching agreed with that proposition. After this the video ceased to be a of any further use. The dog, when next seen, was effectively tailed off at the rear of the field.

The head on vision could well have been crucial. However, because of the position of the setting sun it is for all intents and purposes, useless. Very little, if anything can be seen.

That is no fault of the Stewards at the meeting. They can only work with the equipment available.

You, Mr Herry, have maintained that your dog was effectively knocked out of the race because of the interference. All that the available evidence tells us is that shortly after the start the dog suffered noticeable interference, and, when next seen, was a long last.

In those circumstances, and again it is no criticism of the Stewards, it seems to me that the appeal should be upheld. I cannot be satisfied, comfortably or otherwise, that the dog put in an unsatisfactory performance. All that the evidence establishes is that it began well, dropped back into the field, suffered noticeable interference and when next seen on the video was a distant last.

Accordingly, I am not satisfied that the charge has been made out. The appeal is upheld and the charge dismissed.

Mark Howard

Registrar, Victorian Racing Tribunal