4 July 2025

**DECISION**

**GREYHOUND RACING VICTORIA**

**and**

**GERRY ORR**

**Date of hearings:** 11 February 2025, 12 February 2025, 13 February 2025, 11 June 2025 and 12 June 2025

**Date of decision:** 13 June 2025

**Date of application for**

**amendment of**

**disqualification:** 16 June 2025

**Venue of hearing:** Sale Function Room, Sale Greyhound Racing Club.

**Panel:** Judge Marilyn Harbison (Deputy Chairperson) and Dr Andrew Gould.

**Appearances:** Ms Amara Hughes, instructed by Ms Evangeline Murray and Ms Yana Podolskaya appeared on behalf of the Stewards.

Mr Gerry Orr represented himself.

 Mr Gerry Orr appeared as a witness.

 Mr Joe Fujimaki appeared as a witness.

 Mr Peter Strong appeared as a witness.

 Mr Angus Downing appeared as a witness.

 Ms Amanda Henderson appeared as a witness.

 Ms Jessica Houghton appeared as a witness.

 Mr Brent Scarlett appeared as a witness.

 Mr Ben Considine appeared as a witness.

 Mr Mark Solanakis appeared as a witness.

 Mr Damien Morris appeared as a witness.

 Mr Chris Gawne appeared as a witness.

 Ms Danni Dunn appeared as a witness.

**Charges and particulars:**

**Charge No.  1 of 7**

Greyhounds Australasia Rule 156 (e) reads as follows:

An offence is committed if a person:

(e) aids, abets, counsels or procures a person to commit a breach of the Rules.

**Particulars of the Charge being:**

1. You were, at all relevant times, a trainer registered with Greyhound Racing Victoria (GRV) (Member No. 165700) and a person bound by the Greyhounds Australasia Rules and Local Racing Rules.

2. On 19 June 2024 you assisted your partner to rehome greyhounds, SAME NIGHTMARE (VLAPN), FRIDAY KNOCK OFF (NKASU) and CANNONEER (VKHWY) to a person known to you, Josh HENSCHEL.

3. On 20 June 2024 greyhound SAME NIGHTMARE (VLAPN) died at your premises. You then assisted your partner to rehome BEKERE (NKGZO) to Josh HENSCHEL instead of SAME NIGHTMARE (VLAPN) as it was deceased.

4. Although your partner is the owner of the four greyhounds above, you are responsible for the care and training of the greyhounds.

5. Josh HENSCHEL was not a genuine rehoming prospect and there is no evidence that he took possession of the greyhounds. You waited for an opportunity to surrender the greyhounds to the local pound after the 21 day requirement in the Code of Practice for the Keeping of Racing Greyhounds elapsed.

6. On 24 July 2024 about 30 days after the false transfer to HENSCHEL, you and HENSCHEL surrendered greyhounds BEKERE (NKGZO), FRIDAY KNOCK OFF (NKASU) and CANNONEER (VKHWY) to Latrobe City Council Pound.

7. You aided, abetted, counsels or procured a person to commit a breach of the Rules namely by allowing Vanessa Johnson to sign rehoming documents for rehoming that was never intended to occur.

8. GAR 156(e) is a serious charge

**Charge No. 2 of 7**

Greyhounds Australasia Rule 156 (e) reads as follows:

An offence is committed if a person:

(e) aids, abets, counsels or procures a person to commit a breach of the Rules.

**Particulars of the Charge being:**

1. You were, at all relevant times, a trainer registered with Greyhound Racing Victoria (GRV) (Member No. 165700) and a person bound by the Greyhounds Australasia Rules and Local Racing Rules.

2. On 19 June 2024 you assisted your partner to rehome greyhounds, SAME NIGHTMARE (VLAPN), FRIDAY KNOCK OFF (NKASU) and CANNONEER (VKHWY) to a person known to you, Josh HENSCHEL.

3. On 20 June 2024 greyhound SAME NIGHTMARE (VLAPN) died at your premises. You then assisted your partner to rehome BEKERE (NKGZO) to Josh HENSCHEL instead of SAME NIGHTMARE (VLAPN) as it was deceased.

4. Although your partner is the owner of the four greyhounds above, you are responsible for the care and training of the greyhounds.

5. Josh HENSCHEL was not a genuine rehoming prospect and there is no evidence that he took possession of the greyhounds. You waited for an opportunity to surrender the greyhounds to the local pound after the 21-day requirement in the Code of Practice for the Keeping of Racing Greyhounds elapsed.

6. On 24 July 2024 30 days after the false transfer to HENSCHEL, you and HENSCHEL surrendered greyhounds BEKERE (NKGZO), FRIDAY KNOCK OFF (NKASU) and CANNONEER (VKHWY) to Latrobe City Council Pound.

7. You aided, abetted, counsels or procured a person to commit a breach of the Rules namely by allowing Josh HENSCHEL to sign rehoming documents providing false and misleading information in accordance with LR12 that he was going to provide a suitable home for the three greyhounds.

8. GAR 156(e) is a serious charge

**Charge No. 3 of 7**

Greyhounds Australasia Rule 156 (v) reads as follows:

An offence is committed if a person:

(v)  in the opinion of the Controlling Body or its Stewards, is guilty of neglect or any dishonest,

corrupt or improper act or practice in connection with the breeding, registration, sale or

transfer of greyhounds, or has attempted such an act or practice.

**Particulars of the Charge being:**

1. You were, at all relevant times, a trainer registered with Greyhound Racing Victoria (GRV) (Member No. 165700) and a person bound by the Greyhounds Australasia Rules and Local Racing Rules.

2. On 19 June 2024 you assisted your partner to rehome greyhounds, SAME NIGHTMARE (VLAPN), FRIDAY KNOCK OFF (NKASU) and CANNONEER (VKHWY) to a person known to you, Josh HENSCHEL.

3. On 20 June 2024 greyhound SAME NIGHTMARE (VLAPN) died at your premises. You then assisted your partner to rehome BEKERE (NKGZO) to Josh HENSCHEL instead of SAME NIGHTMARE (VLAPN) as it was deceased.

4. Although your partner is the owner of the four greyhounds above, you are responsible for the care and training of the greyhounds.

5. Josh HENSCHEL was not a genuine rehoming prospect and there is no evidence that he took possession of the greyhounds. You waited for an opportunity to surrender the greyhounds to the local pound after the 21 day requirement in the Code of Practice for the Keeping of Racing Greyhounds elapsed.

6. On 24 July 2024, 30 days after the false transfer to HENSCHEL, you and HENSCHEL surrendered greyhounds BEKERE (NKGZO), FRIDAY KNOCK OFF (NKASU) and CANNONEER (VKHWY) to Latrobe City Council Pound.

7. You have engaged in a dishonest, corrupt or improper act in connection with the transfer of greyhounds BEKERE (NKGZO) FRIDAY KNOCK OFF (NKASU) and CANNONEER (VKHWY).

8. GAR 156(v) is a serious charge.

**Charge No. 4 of 7**

Greyhounds Australasia Rule 156 (w) reads as follows:

An offence is committed if a person:

(w) fails to comply with a policy or code of practice adopted by a Controlling Body.

**Particulars of the Charge being:**

1. You were, at all relevant times, a trainer registered with Greyhound Racing Victoria (GRV) (Member No. 165700) and a person bound by the Greyhounds Australasia Rules and Local Racing Rules.

2. On 19 June 2024   you assisted your partner to rehome greyhounds, SAME NIGHTMARE (VLAPN), FRIDAY KNOCK OFF (NKASU) and CANNONEER (VKHWY) to a person known to you, Josh HENSCHEL.

3. On 20 June 2024 greyhound SAME NIGHTMARE (VLAPN) died at your premises. You then assisted your partner to rehome BEKERE (NKGZO) to Josh HENSCHEL instead of SAME NIGHTMARE (VLAPN) as it was deceased.

4. Although your partner is the owner of the four greyhounds above, you are responsible for the care and training of the greyhounds.

5. Josh HENSCHEL was not a genuine rehoming prospect and there is no evidence that he took possession of the greyhounds. You waited for an opportunity to surrender the greyhounds to the local pound after the 21 day requirement in the Code of Practice for the Keeping of Racing Greyhounds elapsed.

6. On 24 July 2024 about 30 days after the false transfer to HENSCHEL, you and HENSCHEL surrendered greyhounds BEKERE (NKGZO), FRIDAY KNOCK OFF (NKASU) and CANNONEER (VKHWY) to Latrobe City Council Pound.

7. By surrendering BEKERE (NKGZO), FRIDAY KNOCK OFF (NKASU) and CANNONEER (VKHWY) to Latrobe City Council Pound it is believed you are in breach of 6.5.1 of the Code of Practice For The Keeping of Racing Greyhounds

**Charge No. 5 of 7**

Greyhounds Australasia Rule 165 (a) reads as follows:

An offence is committed if a person (including an official):

(a) commits or omits to do any act or engages in conduct which is in any way detrimental or prejudicial to the interest, welfare, image, control or promotion of greyhound racing**.**

**Particulars of the Charge being:**

1. You were, at all relevant times, a trainer registered with Greyhound Racing Victoria (GRV) (Member No. 165700) and a person bound by the Greyhounds Australasia Rules and Local Racing Rules.

2. You assisted in surrendering greyhounds, BEKERE (NKGZO), FRIDAY KNOCK OFF (NKASU) and CANNONEER (VKHWY) to the Latrobe City pound.

3. On 28 July 2024 at 11:46am Racing 2 Rehome a greyhound adoption agency, made a Facebook post that in part related to the suspicious rehoming of the three greyhounds you surrendered.

4. You responded to the Racing 2 Rehome Facebook post using your two Facebook accounts, Gerry ORR and Gerry NEIL, effectively identifying yourself publicly and admitting your involvement in the matter however stating it was genuine rehoming.

5. As at 5:02 pm on the 29 July 2024 the Facebook post had 325 negative emoji reactions, 205 comments and 126 shares. Most of the comments highlighted the negative impact such conduct has on the industry.

6. Your actions in the false rehoming and subsequent pound surrender, lead to the creation of a negative Facebook thread that you also commented in. Your conduct is detrimental to the interest, welfare, image, control and promotion of greyhound racing.

**Charge No. 6 of 7**

Greyhounds Australasia Rule 156(h) reads as follows:

An offence is committed if a person (including an official):

(h) disobeys or fails to comply with a lawful order of a Controlling Body, the Stewards, or another person authorised by a Controlling Body with official duties in relation to greyhound racing;.

**Particulars of the Charge being:**

1. You were, at all relevant times, a trainer registered with Greyhound Racing Victoria (GRV) (Member No. 165700) and a person bound by the Greyhounds Australasia Rules and Local Racing Rules.

2. On 31 July 2024 during an Inquiry with Investigative Stewards you were provided with a Direction Notice and verbally requested to hand over your mobile telephone, you said “why would you want my phone”, reached into your pocket and produced a broken mobile phone.

3. Investigative Stewards asked you if the telephone you provided was a “dodgy” telephone, you admitted it was. You went inside and returned with your current and active telephone.

4. You disobeyed a lawful order by Investigative Stewards when you were asked to produce your mobile telephone by producing a broken and inoperable mobile telephone in the first instance.

5. GAR 156(h) is a serious charge

**Charge No. 7 of 7**

Greyhounds Australasia Rule **164 (a)** reads as follows:

An offence is committed if a person (including an official):

(a) makes a false or misleading statement in relation to or during an investigation, inspection, examination, test or inquiry (or at any other disciplinary process, hearing or appeal proceeding) or makes or causes to be made a falsification in a document in connection with greyhound racing or the registration of a greyhound.

**Particulars of the Charge being:**

1. You were, at all relevant times, a trainer registered with Greyhound Racing Victoria (GRV) (Member No. 165700) and a person bound by the Greyhounds Australasia Rules and Local Racing Rules.

2. On 31 July 2024 during an Inquiry with Investigative Stewards, when asked about your relationship with HENSCHEL you said you met him about 5 – 6 years ago when you sold him a car, the next time you spoke with him was when he “took the dogs”.

3. The analysis of your mobile telephone number (0424524001) confirmed between 05 July 2017 to 31 July 2024, you and HENSCHEL communicated to each other on at least 734 occasions on two platforms, Viber (58 occasions) and Snapchat (646 occasions).

4. It was also determined you sent at least five (5) emails to HENSCHEL’S email address.

5. You made a false and misleading statement’s when you told Investigative Stewards during the Inquiries on 31 July 2024 and on 05 August 2024, about the extent of your relationship with HENSCHEL.

6. GAR 164(a) is a serious charge

 **Plea:** Guilty

**DECISION**

**Background and policy**

1. Mr Gerry Orr has been a greyhound trainer since 2011. He lives in Newborough, together with his partner, Ms Vanessa Johnson, who has been registered as a public trainer since 2017.
2. This case arises out of the rehoming by Mr Orr of three dogs owned by Ms Johnson, namely Bekere, Friday Knockoff, and Cannoneer. Although the dogs were owned by Ms Johnson, the Stewards allege that she was not closely involved with the training, care and rehoming of the dogs, relying on Mr Orr to fulfil her obligations under the Greyhounds Australasia Rules (“GAR”) and Local Racing Rules. This was in the light of her inexperience in the industry, her imperfect understanding of the English language and the fact that she works as an aged care worker. It is suggested by the Stewards that she knew of the arrangements which had been made by Mr Orr and which proceeding are the subject matter of this proceeding and cooperated in putting them into effect, but was not the instigator of those arrangements.

**Burden and standard of proof**

1. This a civil proceeding and so the standard of proof which we must apply is the civil standard – that is, whether it is more probable or not that the events occurred as alleged by the Stewards. However, because this is a disciplinary proceeding and its outcome has significant consequences, both financial and reputational for Mr Orr, we are instructed by the line of cases commencing with *Briginshaw* that we must not make a finding of guilt unless we are comfortably satisfied of the truth of the allegations made. We apply this standard in our deliberations.

**Outline of requirements for rehoming**

1. It is important to understand the background which led to the formulation of the Code of Practice in relation to greyhound rehoming. Many greyhound owners are simply hobby trainers and do not expect to make money from the sport. They often regard their racing greyhounds as part of their family. However, there is the potential for significant sums to be won from racing greyhounds. It is fair to say that there is a window of approximately two to three years during which it is possible for a greyhound to reap significant returns for an owner.
2. Some greyhounds do not turn out to be winning propositions. Even winning greyhounds are less likely to win as they age. Dogs are expensive to maintain. There is little financial incentive to keep a dog which is past its racing prime. Thus, an owner might be tempted to dispose of a dog which is past its prime to make way for younger and more attractive prospects. An unscrupulous owner may do so by cruel or unsavoury means. Such unscrupulous owners are the scourge of this industry. It is this vice which the Code of Practice in relation to greyhound homing is designed to address. Unscrupulous dumping of dogs must be completely eliminated from the industry, otherwise, the very existence of the industry may well be problematic.
3. The Code therefore provides detailed instructions to owners as to what must be done before a racing greyhound can be rehomed. If at any point in the rehoming process these instructions are not achievable, the the owner must bear the cost of keeping the greyhound indefinitely, maintaining its health and wellbeing. A greyhound is not to be discarded.
4. One of the clear problems is that there are limited alternative homes for adult dogs of any breed, let alone dogs which have lived their lives as racing dogs and who have never lived indoors with a family.
5. The GAP programme was established to try and address this problem. Although it has been outstandingly successful, it is unrealistic to think that all retired greyhounds can be accommodated by this programme. At present the waiting list is over 12 months, and owners are obligated to look after their greyhounds until accepted into the program. In future, participants must be aware that they may be required to house, feed and look after greyhounds bred or purchased by them for up to the full lifespan of the dog and take this into account when deciding whether or not to add to the population of their kennels.
6. This then leads us to an examination of the charges presented to us in this proceeding.

**Charge 3 – Neglect, Dishonest Corrupt or Improper practice in connection with transfer of greyhounds**

1. This Charge appears to be the most serious Charge and we will deal with it first.
2. In short, it alleges that Mr Orr designed and facilitated a scheme, involving ostensible compliance with the greyhound rehoming rules, in a dishonest, corrupt, or improper way in order to rid himself of three greyhounds which were unlikely to win any more races and which he no longer wanted.
3. The Stewards allege that Mr Orr was at all relevant times a person responsible for the care and training of three greyhounds. Those greyhounds were owned by his partner, Ms Vanessa Johnson. The Stewards allege that he took on the responsibility of rehoming those three greyhounds on her behalf and did so in a way which is illegal under the Rules. They allege that Mr Josh Henschel, the person to whom the greyhounds were rehomed, was not a genuine rehoming prospect and that Mr Orr knew that this was so. Mr Henschel had never before owned a dog, let alone a greyhound. The Stewards allege that he engineered the signing of the transfer documents with no intent to genuinely rehome the dogs to Mr Henschel.
4. The Stewards allege that under the guise of re homing the dogs to that person, Mr Orr in fact effectively surrendered each of the greyhounds to the local pound by way of a false transfer entered into between Ms Vanessa Johnson and Mr Josh Henschel. They allege that this false transfer was designed to disguise the fact that the surrender of the greyhounds to the pound was effectively made by Mr Orr himself. It is not permitted under the Rules for a greyhound participant to surrender a greyhound to a pound.
5. The documents filed with GRV by Mr Orr show the following sequence of events.
6. On 19 June 2024, papers were prepared by Mr Orr and signed by Ms Johnson and Mr Henschel transferring ownership of Friday Knockoff and Cannoneer to Mr Henschel, together with another dog, Same Nightmare.
7. Same Nightmare unexpectedly died the next morning and so on that day – 20 June 2024 – Mr Orr prepared papers which were signed by Ms Johnson and Mr Henschel transferring another dog, Bekere, which had just returned from an aborted rehoming, to Mr Henschel.
8. Bekere had previously been rehomed by Mr Orr to Ms Natascha Pickett. However, that rehoming lasted only for one weekend, appears that the greyhound had bitten one of the new owner’s grandchildren. Ms Pickett therefore surrendered Bekere to the Latrobe Council Pound, after first contacting Mr Orr, who told her that he had no space to take the dog back. Mr Orr’s refusal to take the dog back was in breach of the greyhound rehoming rules. If a rehoming is unsuccessful, within 21 days of a dog being rehomed, the dog should be returned to the owner. The Stewards found out about the failed rehoming through the Pound and directed Mr Orr to take the dog back. He did so. No Charge has been laid in relation to this unsuccessful rehoming, but (as will become relevant when we discuss the evidence in more detail) it does reveal that Mr Orr was told before the events which are the subject matter of this hearing about the 21-day requirement.
9. The transfer forms were exhibits in the hearing before us. On each of the forms, the question appears:

“Has a preparation for rehoming programme been completed in accordance with an establishment health management plan?”

1. On each of the forms the answer to that question is “yes”. Each transfer form has been filled out by Mr Orr and signed by both Ms Johnson and Mr Henschel. It was then lodged with GRV by email by Mr Orr.
2. Evidence was called from Ms Danni Dunn, who is the pound keeper for Latrobe City Council. She gave evidence that Mr Henschel surrendered the three greyhounds to the pound on 23 July 2024, saying that he could not keep them due to losing his job. She gave evidence that she gave him surrender forms to be completed. He walked out to the car park and then returned with the completed surrender forms. Pound staff noticed another person in the car park of the pound. Mr Orr has conceded that he was the other person.
3. On the surrender form for each dog, Mr Henschel has given the reason for surrendering the animal as being “cause of work”.
4. The surrender of these dogs to the pound thus took place a short time after the threshold of 21 days from the date of rehoming of the dogs to Mr Henschel.
5. Evidence was also called from Mr Peter Strong. He is the stepfather of Mr Henschel. He gave evidence that at the time of these events Mr Henschel lived with him and his wife, Ms Trudi Strong, in a house on a large suburban block in Newborough. Mr Henschel lived at the back of the house in a caravan. Mr Strong gave evidence that he had never seen any greyhounds at the property and that Mr Henschel had never shown any interest in greyhounds or mentioned adopting a greyhound. He had no idea how Mr Henschel could have kept three greyhounds. As to the circumstances of surrender of the greyhounds, Mr Strong said that Mr Henschel did not lose his job. This evidence was presented by the Stewards to show that it was implausible that Mr Henschel would have wanted to keep three greyhounds and that it makes it much more likely that he had no intention to do so.
6. There does not seem to be any doubt that it was Mr Orr who prepared the transfer papers which were lodged with GRV and that he effectively controlled the rehoming process. There is no doubt also that it was he who was present at the pound when Mr Henschel surrendered the three dogs to the pound. Although he denied doing so, we are also satisfied that he assisted Mr Henschel to fill in the necessary surrender forms.
7. We did not hear any evidence from Mr Henschel, as we were told that he has refused to give a statement to the Stewards. At a late stage of the hearing, Mr Orr produced a statutory declaration signed by Mr Henschel. This document did not canvass the authenticity of the transfer process.
8. On the last day of the hearing, Mr Orr produced a statutory declaration completed by Ms Vanessa Johnson. Whilst the document was generally supportive of Mr Orr, it also did not canvass the authenticity of the transfer process.
9. It is not open to us to speculate as to what evidence either of those witnesses would have given if they gave evidence in the hearing and were cross-examined. We must reach our conclusions on the evidence that we have heard and not on speculation about evidence that we have not heard.
10. As we have earlier outlined, the Code of Practice provides that, if an owner rehomes a greyhound and the greyhound is returned within 21 days, the owner must take it back. An administration officer called Ms Jessica Houghton gave evidence that she explained this return policy to Mr Orr when Bekere was returned to him after the failed adoption to Ms Natascha Pickett on 17 June 2024.
11. Ms Amanda Henderson, another GRV employee, said that she also told Mr Orr about the 21 days return policy on 19 June 2024.
12. As we understand it, the point about the 21-day rule is as follows. Mr Orr claims never to have known about the Rule and to have thought there were four or five days during which the dogs could be returned. The Stewards say that he knew that the Rule very well and it was precisely because of that Rule that he waited for the opportunity to organise the surrender of the greyhounds by Mr Henschel to the local pound after 21 days had elapsed. There would have been no point for Mr Henschel to have taken the dogs to the pound inside the 21 days as if he had done so GRV would have insisted, as they had insisted on the previous occasion, that Mr Orr take the dogs back.
13. It can be seen from this discussion of the evidence that there is no direct evidence of the scheme said to have been engineered by Mr Orr between himself, Ms Vanessa Johnson, and Mr Henschel, to transfer the dogs in apparent compliance with the Rules, but with the intent that the dogs be surrendered to a pound as soon as Mr Orr was rid of any legal obligation to them.
14. In this case we are asked to draw that inference from the totality of the evidence before us. There is no legal impediment to the viewing of the evidence in this way, but before we draw this inference, particularly as it suggests conduct akin to fraud, it is important that we are satisfied that the facts from which we draw the inference of true and that the inference is the only reasonable inference to draw from those facts. In this case, the Stewards submit that the facts can bear no other inference.
15. The Stewards rely on the following aspects of the evidence.
16. Firstly, there is no evidence that Mr Orr conducted any proper screening of Mr Henschel. He told the Stewards initially that he had inspected Mr Henschel’s house and then said he had not. He said that he had delivered the dogs to his house and then said he had not, but that Mr Henschel had walked the dogs to his house. His description of the steps he had taken to satisfy himself of the adequacy of the premises at which Mr Henschel intended to house the dogs is ludicrous.
17. Secondly, the description of the reason why Mr Henschel would want three greyhounds appears implausible. He has no known history of owning any dog or of involvement with greyhounds. He lived in a caravan at the back of his stepfather's house with no room for any dog, let alone three retired greyhounds. He works full time as a security guard. The suggestion made by Mr Orr that Mr Henschel wanted the dogs to exercise with so that he could build up his strength in his job as a security guard appears fanciful.
18. Thirdly, the evidence of Mr Strong, Mr Henschel’s stepfather, that the greyhounds had not been at the address to which they were registered, that Mr Henschel had never spoken about greyhounds and that there was no room for greyhounds as Mr Henschel lived in a caravan on the property, was compelling.
19. The fact that Mr Orr was present at the handover to the pound adds to the impression that he was intimately involved in the procedure.
20. Although Mr Orr asserted that he advertised the dogs on various Internet sites and produced some printouts from exchanges on Gumtree, these documents show that he was still advertising well after the date of the transfer to Mr Henschel. We are not satisfied that the documents he produced are bona fide interactions with Mr Henschel.
21. Further, although at one point GRV made contact with Mr Henschel and expressed the view that three dogs were a lot to take on and he could come to GRV if he had any difficulties, he did not contact GRV before the surrender. He simply took the dogs to the pound.
22. We consider it relevant that Mr Henschel refused to tell the pound keeper the name of the person who was in the car park with him. Further, Mr Orr was plainly concerned about the Stewards having access to his phone.
23. The Stewards say that the version of events proffered by Mr Orr is so inherently improbable that it requires an explanation, and that the grossly implausible explanation put forward by Mr Orr should be rejected.
24. The Stewards point to the inconsistencies and falsehoods in Mr Orr’s account of his relationship with Mr Henschel. They say that, when we take all of these matters into account, we can be comfortably satisfied that the transaction between Mr Orr and Mr Henschel was engineered by Mr Orr in order to defeat the rehoming guidelines.
25. On the other hand, Mr Orr contends that all the documents which he submitted were in order and were accepted by GRV. He gave evidence before us. He asserted that the arrangement between himself and Mr Henschel was a genuine transaction, even accepting that he did not fully comply with all the rehoming rules. He submits that there is no reason to suspect that the surrender by Mr Henschel of the dogs was in any way engineered by him. He says that, had Mr Henschel not decided to surrender the dogs to the pound, no offence would have been committed.
26. He points to the evidence which he said revealed that that the Stewards were out to get him and says that they have conducted a biased investigation.
27. Although Mr Henschel did not give evidence in this case, there is some evidence from various employees at GRV as to what he had said on various occasions about the arrangement. Ms Amanda Henderson, who was the welfare retirement manager at JRG at the time, spoke to Mr Henschel on about 23 July 2024. She rang him because she had been advised by the Pound Manager at the Latrobe pound of the surrender of the three greyhounds by him. Mr Henschel told her that his relationship had broken down and he needed to move for work. He said that he had forgotten to contact anyone from GRV for assistance with the dogs.
28. We also had in evidence in an email which Mr Henschel had sent to Mr Gerry Orr on 15 October 2024. That message reads as follows.

*WTF Is going on with all this shit??? My life is posted on social media! My ex is giving me hell cause she thinks she is in trouble for keeping the dogs and my old man is at me cause he didn't know anything about it. I wouldn't of fuckn got them if I knew this would happen. I know it's not your fault but at least answer your fuckn phone.*

1. This message is not expressed in polite terms. Mr Henschel was clearly very angry at the time. However, it does not support a suggestion that Mr Henschel had been coerced into taking the dogs.
2. The last communication from Mr Henschel is a message thread between himself and Mr Mark Solanakis, who was initially the lead investigator.
3. In response to a message from Mr Solanakis, Mr Henschel said this:

*I don't understand what is even going on or what any of us have done wrong? If Jerry Orr has done something illegal I can assure you I have no part in it! I made a mistake getting those dogs n I regret my decision I can assure you.*

1. Mr Orr also produced a recording of a phone discussion he had with a GRV employee which took place in June of this year. The GRV employee whose voice is recorded gives general telephone advice about the rehoming process and refers Mr Orr to the GRV website. We understand Mr Orr to rely on that phone conversation to show that GRV requires members to make only cursory telephone enquiries when dogs are rehomed, and to support his argument that he made all the necessary enquiries of Henschel.
2. We have carefully considered all these matters. We are conscious that it is the Stewards who bear the onus of proving this offence. If the evidence is equally consistent with Mr Henschel having made an ill-considered decision to take on these three dogs and then later having regretted the adoption and decided to surrender the dogs to the pound, then no offence has been committed.
3. However, we are comfortably satisfied that the evidence shows a deliberate decision by Mr Orr to involve both Mr Henschel and Mr Johnson in a sham transfer with the intention of engineering the surrender of the dogs to the pound at the earliest opportunity after the expiration of 21 days from the signing of the rehoming papers.

**Charge 1 – Procure Ms Vanessa Johnson to commit a breach of the Rules**

1. It is an offence under the Rules for a person to “aid, abet, counsel or procure” another person to commit a breach of the Rules.
2. Ms Vanessa Johnson is the domestic partner of Mr Orr. She has not lived in Australia for very long and her grasp of the English language is limited. She works full-time as an aged care worker.
3. We find that this arrangement, which we have found proven in relation to Charge 3, amounted to a procuring of Ms Johnson to enter into this arrangement and thus breached the Rules of Racing.
4. We are comfortably satisfied that Mr Orr did procure her to breach the rehoming rules in the manner which we have outlined in relation to Charge 3.
5. Charge 1 is proven to our comfortable satisfaction.

**Charge 2 – Procure Mr Josh Henschel to commit a breach of the Rules**

1. The way in which this charge is put is similar to Charge 1, although this Charge relates directly to Mr Orr having arranged with Mr Henschel for him to agree that his name be used on a false transfer form and for him to cooperate in pretending that the dogs had been transferred to him by Ms Vanessa Johnson.
2. It depends on a finding of guilt in relation to Charge 1.
3. We are comfortably satisfied that Mr Orr did procure Mr Henschel to breach the rehoming Rules in the manner which we have outlined in relation to Charge 1.
4. Charge 2 is therefore proven.

**Charge 4 – Fail to comply with the Code of Practice in respect of the rehoming of greyhounds**

1. This charge relates to allegations of breach of the particular provisions in the Code of Practice which set out the procedure to be taken when an owner wishes to rehome a racing greyhound.
2. The Code of Practice for the Keeping of Racing Greyhounds contains detailed requirements as to what greyhound owners must do if they wish to rehome their greyhounds. It is important to emphasise that, although GRV has established its own greyhound adoption programme, known as GAP, it is not necessary for owners to rehome greyhounds through that programme. Indeed, it would be impossible for the GAP programme to accommodate any great number.
3. However, it is absolutely vital that each owner wishing to rehome a retired greyhound complies with the Code of Practice.
4. The particular Rule referred to in this Charge is Rule 6.5.1. This Rule requires a greyhound owner to rehome a greyhound to a “suitable” home. This is a very broad description.
5. The particular parts of Rule 6.5.1 that the Stewards rely upon in relation to this Charge as follows:

Firstly, the Code of Practice requires that a retired greyhound must have had a wind down period of at least 28 days during which it has not been engaged in training, trialling or racing.

Secondly, the owner must ensure that the greyhound to be rehomed is well trained in walking on a leash and is used to being around small dogs and other people.

Thirdly. the owner must ensure that the greyhound is has been exposed to in different environments, floor surfaces and travelling arrangements.

Lastly, the owner must ensure that the greyhound has basic pet skills, such as not jumping up on people, being toilet trained, staying calm when washed or groomed and coming when called.

1. These requirements reflect the obvious fact that a greyhound that has been raised in kennels may not readily adapt to life as a domestic pet.
2. In addition, owners are required to ensure that any medical issues relating to the dog have been resolved and are invited to contact GRV if there is any question in relation to this.
3. GRV participants are not allowed to surrender a dog to a pound.
4. It is alleged that, in breach of these requirements, each of the dogs was engaged in racing within 8 days before the alleged rehoming and no efforts had been made to prepare any of the dogs for rehoming. One dog still had stitches.
5. Mr Orr had not made sure that the dogs were going to an appropriate home. He had not inspected the premises – the proposed owner lived in a caravan with no room for 3 dogs.
6. It is important to note that this Charge does not rely upon a finding of guilt in relation to the other Charges. Whether or not the rehoming was legitimate, it is clear that Mr Orr failed to comply with each of these requirements.
7. When he was questioned in the Stewards Inquiry on 31 July 2024 as to his knowledge of the requirements of the Code for Rehoming, his knowledge appeared to be sparse. He knew nothing about the need for a wind down period. He claimed to believe that there was a three or four day cooling off period once a dog had been given to a new owner. He was not aware of a seven-week programme to prepare a dog for rehoming. He said that all his dogs were prepared for rehoming by getting used to being around people and children. He had no documentation to show any steps that he had taken under the Code to prepare the dog for rehoming.
8. In particular, the Code requires the owner to provide a Greyhound Rehoming Statement outlining the housing, feeding and exercise regime for the greyhound from the previous three months and the statement from the person in charge all the dog about the health and behaviour of the greyhound at the time of the rehoming.
9. Mr Orr asserted that those matters were fully covered in the transfer form which he had emailed to GRV.
10. Mr Orr was asked detailed questions about his preparation of each dog for rehoming in the Inquiry on 31 July 2024. His answers were brief and he had not documented any proper rehoming process.
11. We are comfortably satisfied that Mr Orr failed to comply with the Code of Practice for rehoming greyhounds in that he failed to rehome each dog into a suitable home.

**Charge 5 – Engage in conduct detrimental to racing – Facebook posts**

1. The wording of this charge is as follows

“An offence is committed if a person commits or attempts to do any act or engages in conduct which is in any way detrimental or prejudicial to the interest, welfare, image, control or promotion of greyhound racing.”

1. The background to this allegation is that a greyhound racing interest group called Racing2Rehome created a Facebook post relating in part to the rehoming of the three greyhounds which are the subject matter of this proceeding. The post suggested that Mr Orr (although he was not identified by name) was at fault in relation to the circumstances of the rehoming.
2. Mr Orr responded to that post and during the course of the discussion identified himself by name. He admitted being involved in the rehoming, but asserted emphatically that the proper procedures had been carried out. He threatened to sue some other posters for defamation.
3. As we understand it, the Stewards say that Mr Orr’s involvement in the false rehoming led to the Facebook post being initiated and that what he said in his Facebook posts on this thread inflamed the situation, thus, causing detriment to the image of greyhound racing.
4. We are not persuaded that this offence is proven. His participation in the online discussion may well have been ill-advised. However, we do not accept that it is properly described as conduct prejudicial or detrimental to the interests or image of racing. He did not initiate the post and his responses on the thread are not so outrageous or inflammatory as to constitute an offence.
5. We find this charge not proven.

**Charge 6 – Fail to comply with order to hand over his mobile phone**

1. It is an offence for a registered person to disobey or fail to comply with a lawful order of the Stewards.
2. GAR 16 gives specific power to the Stewards in respect of participants’ phones. It provides that a Steward can take possession of any mobile phone, electronic or storage device (including a tablet), book, document or record, including any other telephone or financial record, for the purposes of any examination or test or other inquiry to be carried out or proceedings to be undertaken if the Stewards believe that an offence may have been or is being committed. It specifically provides that an offence is committed if a person does not within a reasonable time of request, provide access to informational records or provide passwords or access codes required to acts in from access information held by that person.
3. The notice which was given to Mr Orr specified that phone and information contained from the phone would be accessed as part of the investigation for the sole purposes of the inquiry and that any private information would be treated as confidential and not be used.
4. He had previously been asked to surrender his mobile phone to the Stewards when they were investigating a different matter in August of 2023. The Steward officiating on that occasion was Mr Christopher Gawne.
5. The phone was handed over on that occasion without incident.
6. On that occasion the Stewards had provided a written direction notice to Mr Orr which required him to hand over his mobile telephone.
7. This notice read as follows ”You are required to produce and hand over the mobile telephone or phones that belong to you and the pin number of the phone or phones immediately to GRV investigative stewards”.
8. At the time to which this offence relates, 31 August 2024, an initial verbal request was made to Mr Orr to hand over his mobile phone, and immediately after the verbal request was made a written direction was given to him.
9. The written direction was in exactly the same terms as the direction that had been given in July 2023.
10. The entire exchange between the Steward and Mr Orr was recorded by body camera and was available for us to watch. There was no real contest as to the circumstances in which each phone was handed over by Mr Orr.
11. Mr Orr said to the Stewards “why would you want my phone?” He then reached into his pocket and produced an old and broken mobile phone. He then described in detail that this was his phone and he was in the process of getting it repaired. He said that he had been to the repair shop the previous day, but it had shut down.
12. Mr Orr then maintained that the Stewards would need a warrant before the phone was handed over by him. The Stewards explained that the request was made pursuant to the Rules of Racing. The particular Rule and the direction were read out to Mr Orr.
13. A Steward then asked him if the phone that he had handed over was a “dodgy” phone. He admitted that it was and then went inside the house and returned with his current mobile phone.
14. The Stewards say that he understood at all times that what he was being asked for was his current telephone and that he instead tried to pass off an old and defective phone. Thus, it is said that he failed to comply with the order.
15. We note that the Stewards have the specific power to require a mobile phone and the written direction refers to phone or phones. It is clear from the context of the handover that Mr Orr understood that he was being asked for his current phone.
16. We are satisfied that this charge is made out. Mr Orr well knew that the initial phone which he handed to Stewards was not a working phone. Had he not been challenged, there is no indication that he would have handed to the Stewards his working phone.
17. We are comfortably satisfied that when the Stewards requested his phone, he deliberately handed over an old broken-down phone, representing it to be his current phone, and that he only abandoned this fiction when pressed by the Stewards after the initial handover had taken place.
18. This charge is therefore proven.

**Charge 7 – False or misleading statement to Inquiry – re friendship with Henschel.**

1. During the inquiry on 31 July 2024, Mr Orr was asked some questions about his relationship with Mr Henschel. It is alleged in this Charge that his answers to those questions were false and misleading, in that he downplayed his relationship with Mr Henschel.
2. In the Inquiry of 31 July 2024, Mr Orr asserted that he knew him only through having had a car yard and having Mr Henschel buy a car from him. He said that he thought that had occurred four or five years before. He said that Mr Henschel was also known as Mr Josh Strong. He said he had communicated with him only over the dogs.
3. Mr Orr said that his only other contact with Mr Henschel was when he advertised the dogs on Gumtree and Mr Henschel had contacted him in response to the ad.
4. The falsity of this assertion became apparent when the mobile phone was analysed. When the phone was first analysed, it appeared that the only text messages on the phone with those sent or received between Monday, 29 July 2024 and Wednesday, 31 July 2024.
5. Mr Orr participated in two further Steward's inquiries on 5 August and 30 October 2024. During those inquiries he was asked whether Mr Henschel was a Facebook friend and he agreed that he was, although he said that he had friends on Facebook that he had never met. He reiterated that he only had contact with Mr Henschel in relation to the three dogs. He denied that he had been to his house to check out whether it was suitable for the dogs and said that he had never been to Mr Henschel’s house. Later, he conceded that he was a friend of Mr Henschel, but engaged in a semantic discussion as to the nature of friendship. He said that he was not a close friend.
6. In truth there had been online interactions between Mr Orr and Mr Henschel from at least 5 July 2017 on several internet platforms. There had been 265 incoming interactions and 298 outgoing interactions over that time. Mr Henschel was a contact on his phone. In all there were over 700 contacts between July 2017 and July 2024.
7. The evidence as to the content of the mobile phone was given by Mr Joe Fujimaki and Mr Angus Downing, both from the Greyhound Racing Integrity Unit. Mr Orr cross-examined both of these witnesses. However, he did not raise any effective technical criticism of the evidence which they gave.
8. We are comfortably satisfied that in his answers to questions about Mr Henschel during the inquiry on 31 July 2024, Mr Orr misled the Stewards as to the nature of their relationship. This charge is proven.

**The evidence procured from Mr Peter Strong by Mr Mark Solanakis**

1. Mr Orr submitted that the whole of the evidence against him should be rejected because of the circumstances surrounding the prosecution and particularly the actions of the lead investigator, Mr Mark Solanakis.
2. We have previously considered these arguments and have made a Ruling in relation to this evidence.
3. We were very concerned about the manner in which Mr Peter Strong was approached by the GRV Stewards. He was visited by the Stewards on two occasions and signed a statement prepared by Mr Mark Solanakis, an Investigative Steward with GRV. Those two occasions were recorded by body worn camera and we viewed the footage of the interaction between the Stewards and Mr Strong, the stepfather of Mr Henschel and also the interaction with his wife Ms Trudi Strong, the mother of Mr Josh Henschel.
4. We expressed in the strongest terms our concern about the way in which that statement was obtained. There were several occasions during the process when it was clear that Mr Solanakis held out significant inducements to Mr Strong in relation to the making of that statement. We have identified them as follows.
5. Firstly, Mr Solanakis told Mr Strong that he “aimed to get the focus off’ Mr Henschel by securing the information from Mr Strong.
6. Secondly, Mr Solanakis said to Mr Strong ‘I reckon there's a good chance we'll keep Josh out of this. Your son will be out of the picture once we can prove he (being Mr Orr) is lying to us’.
7. Thirdly, Mr Solanakis told Mr Strong and his wife that normally matters such as this would be referred to the RSPCA, but because Mr Strong was being so cooperative, they absolutely would not do that on this occasion. It is clear from the context that this comment refers to the possible involvement of Mr Henschel in welfare offences relating to his surrender of the dogs.
8. There are also multiple occasions on which Mr Solanakis referred to Mr Orr as being a rotten egg and that comments were made by him to the effect that GRV wanted Mr Orr out of the industry.
9. These comments were clearly designed to influence Mr Strong’s evidence and we deplore them.
10. On the basis of these comments, Mr Orr made an application that the evidence of Mr Strong should be excluded from this hearing and indeed that the proceeding should be stayed. If this were a criminal trial, then his application may well have succeeded. We found that Mr Solanakis clearly set out to improperly affect the evidence to be given by Mr Strong in this proceeding. He also made it very clear by his interaction with Mr Strong and his wife that he had prejudged the issues in this case and that the proceeding was initiated to remove Mr Orr from the greyhound industry.
11. We determined to refuse the application. We were able to hear Mr Strong’s evidence and make our own assessment of his veracity. However, it is true that Mr Strong’s evidence must be seen as significantly diminished by the fact that these representations were made to him before his statement was signed, even though he strenuously denied that they had any influence upon the truth of his evidence.
12. We do not consider that Mr Solenakis’ unseemly behaviour has infected the balance of the evidence before us. Although his words reflect very badly on his own credibility, in giving evidence before us, we are fortunate to have had body worn camera footage of all of the significant interactions between him and Mr Orr. We rely on this footage, rather than Mr Solanakis’ evidence, in assessing this case.

**Findings**

1. Our findings on the Charges before us are therefore as follows:
2. The first Charge is that that Mr Orr aided, abetted, counselled or procured Ms Vanessa Johnson to commit a breach of Local Rule 12 by allowing Ms Vanessa Johnson to sign rehoming documents for a rehoming of three greyhounds which was not appropriate within the terms of that rule because it was never intended to occur in practice, we find the charge proven.
3. On the second Charge, namely that Mr Orr aided, abetted counselled or procured Mr Josh Henschel to sign rehoming documents for a rehoming of three greyhounds which was not appropriate within the terms of Local Rule 12, because it was never intended to occur in practice, we find the charge proven.
4. The third Charge is that Mr Orr engaged in a dishonest, corrupt or improper act or practice in connection with the transfer of the three greyhounds in that a false transfer was made to Mr Henschel and then he assisted Mr Henschel to surrender the greyhounds to the Latrobe City Council pound, we find the charge proven.
5. On the fourth Charge, which is a Charge that Mr Orr failed to comply with Rule 6.5.1 of the Code of Practice by failing to rehome the three greyhounds to a suitable home, we find the Charge proven.
6. On the fifth charge, which is a charge that Mr Orr engaged in conduct detrimental or prejudicial to the interest, welfare and image control or promotion of greyhound racing by responding to Facebook posts, we find the Charge not proven.
7. On the sixth Charge, which is a Charge of failing to comply with a Steward’s request to hand over a mobile telephone, we find the charge proven.
8. On the seventh Charge, which is a Charge of making a false or misleading statement to a Steward in relation to the extent of his relationship with Mr Josh Henschel, we find the charge proven.

**Penalty**

1. Mr Orr has been involved in greyhound racing for 13 years. He worked as a car salesman until his retirement several years ago. He had been planning to work with his greyhounds full time and so supplement his retirement income. He lives in a residential property in Newborough, together with his wife, who works part-time in aged care.
2. He is 63 years old. He has told us that he has put his house up for sale and is in financial difficulty because of his suspension from the greyhound industry, which was imposed in on 31 October 2024 as a result of these charges.
3. Mr Orr has an overall good record in the industry, although he has one presentation offence which occurred quite some time ago.
4. He told us that he is seeing a psychologist for mental health issues which have arisen recently. He also told us that he believes that his reputation has been ruined as a result of these Charges. During the penalty hearing, he referred us to other decisions of this Tribunal in relation to rehoming issues and submitted to us that the appropriate penalty should be a small fine or a period of suspension equivalent to the time that he is already served out of the industry.
5. We have taken these submissions into account in deciding upon the appropriate penalty.
6. In sentencing Mr Orr, we treat Charge 3 as being the most substantial charge. It is important to emphasise that it is not simply a Charge of having omitted to follow the proper requirements for rehoming greyhounds. It is essentially a Charge that Mr Orr set up an arrangement with Mr Henschel and Ms Johnson which was designed to circumvent the rehoming Rules entirely. We have found that Mr Orr never intended to genuinely rehome either of these three dogs with Mr Henschel. Instead, he used these persons to effect the dumping of three greyhounds in a pound.
7. This is a very serious offence. We know of no equivalent cases or penalties in which a sentence has been imposed by this Tribunal for an equivalent offence.
8. It is important that we impose a significant sentence to deter others who may be tempted to flout the Rules in the which Mr Orr has done. It is also important to deter Mr Orr from further breaches of the Rules. It appeared to us during the hearing that Mr Orr completely refused to take any responsibility for his actions or even to have seriously considered the grave nature of the offences with which he had been charged.
9. The sentences which we have determined to impose are as follows:
10. Using Charge 3 as the head sentence, the penalty which we impose on Charge 3 is a period of 18 months disqualification.
11. The penalty which we impose on Charge 1 is 12 months disqualification
12. The penalty which we impose on Charge 2 is 12 months disqualification.
13. The penalty which we impose on Charge 4 is 6 months disqualification.
14. Each of the penalties announced so far are to be served concurrently. The first four Charges each rest on the same series of events. We have determined that the sentences on each of these four Charges be served concurrently to reflect this fact.
15. Charge 5 is dismissed.
16. Charges 6 and 7 relate to quite different and specific offending. It is a very serious matter to fail to comply with a Steward’s request, because by doing so a participant obstructs the Stewards in their essential task of monitoring and supervising the greyhound industry. It is also a very serious matter to make a false or misleading statement to a Steward.
17. The penalty which we impose on Charge 6 is 12 months disqualification, with 3 months of this term to be served cumulatively on the penalty imposed for Charge 3.
18. The penalty which we impose on Charge 7 is 12 months disqualification, with 3 months of this penalty to be served cumulatively on the penalties imposed in Charge 3 and Charge 6.
19. This makes an effective period of disqualification for 2 years.
20. We order that this period of disqualification commence from 31 October 2024, which was the date on which Mr Orr was suspended by the Stewards.
21. Mr Orr has requested that the terms of his disqualification be amended so that he can continue to have contact with three families who are all involved in greyhound racing.
22. He identified Mr Brad Sands, whose kennels are at Pakenham. Mr Orr’s 13 year old son is very friendly with Mr Sand’s son and he wishes to be able to take him to this property to continue the friendship.
23. Mr Steve Keltas has kennels in Shady Creek. Mr Orr’s wife, Ms Vanessa Johnson relies heavily on Mr Keltas’ wife for companionship, as both women are Filipino and have relatively recently arrived in Australia from the Philippines.
24. Mr Chris Orr is a near relative and has kennels in Newborough.
25. Mr Orr also submitted that his mental health was suffering because he was not able to maintain a social connection with these families.
26. The Stewards contested this application. They accepted that it was within the power of this Tribunal to consider such a request, but submitted that any such concessions should be made only in very exceptional cases. The Stewards submitted that it would be setting a dangerous precedent to make such an exception, particularly as Mr Orr has provided no material at all supporting this application.
27. We have determined to refuse the application. In doing so, we note that the Stewards concede that Mr Orr may have such social contact as he wishes with each of these three families, providing he does not visit their premises, or engage in any greyhound related activity with them.
28. Mr Orr also has the right to make application to GRV to consider a request for exemption, quite independently of the jurisdiction of this Tribunal.

Mark Howard

Registrar, Victorian Racing Tribunal