27 July 2023

**DECISION**

**HARNESS RACING VICTORIA**

**and**

**ELLEN TORMEY**

**Date of hearing:** 19 July 2023

**Panel:** Judge John Bowman (Chairperson) and Mr Robert Abrahams.

**Appearances:** Mr Nicholas Murray appeared on behalf of the Stewards.

Ms Ellen Tormey represented herself.

**Charge:** Australian Harness Racing Rule 149(2) states “A person shall not drive in a manner which in the opinion of the stewards is unacceptable”.

**Particulars of charge:** The particulars of the charge being that after driving forward from barrier three (3) and showing initial gate speed after the start, Ms Tormey then resisted an extended challenge for the lead from Rockstar Leo (Taylor Youl) to a point passing the 1800m, contributing to a quicker than average lead time being recorded in 36.7 seconds and the driving tactics adopted during this section were in the opinion of Stewards unacceptable and a contributing factor for the performance of Karuma Kev finishing in 10th position beaten 51.7m. A subsequent veterinary examination of Karuma Kev revealed no apparent abnormalities.

In assessing penalty in accordance with the HRV Minimum Penalty Guidelines, Stewards took into account the following:

* Ms Tormey’s licensing history as a driver which indicated that this was a first applicable offence since being licensed to drive in races in 2006, which equated to more than 7700 races drives and therefore an exhibiting an exceptional record;
* Ms Tormey’s high driving frequency in recent seasons and relative race driving experience;
* The attributed level of culpability in the circumstances.

Ms Tormey’s licence to drive in races was suspended for a period of three (3) weeks to commence midnight 13 May 2023.

**Plea:** Guilty

**DECISION**

Ms Ellen Tormey, you are pleading guilty to a breach of Australian Harness Racing Rule 149(2), this arising out of your drive of Karuma Kev during Race 5 at Bendigo on 4 May 2023. The rule refers to a drive which, in the opinion of the Stewards, is unacceptable. In this appeal Deputy Chief Steward Mr Nick Murray and yourself have agreed upon a variation upon the penalty that was originally imposed. That penalty was a three week suspension. The agreed variation is to a penalty of two weeks suspension.

As is pointed out in the summary of agreed facts that was provided, you have an exceptional record. You have driven in more than 7,700 races, commencing in 2006, and this is your first relevant offence. That truly is a remarkable driving record. Whilst the parties might have agreed upon an outcome of this appeal, the ultimate decision in such circumstances is always one for the Tribunal. However, when those involved are the Deputy Chief Steward and a driver of your experience and record, we have no hesitation in accepting the agreed outcome of the appeal. We congratulate the parties on achieving this sensible outcome.

Accordingly, the appeal is allowed, and the penalty imposed is varied to a suspension of two weeks. We leave the commencement starting date to the parties.

Mark Howard

Registrar, Victorian Racing Tribunal