7 March 2024

**DECISION**

**GREYHOUND RACING VICTORIA**

**and**

**KATE GORMAN**

**Date of hearing:** 26 February 2024

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

**Appearances:** Mr Alex Kitching appeared on behalf of the Stewards.

Ms Kate Gorman represented herself.

**Charge:** Greyhounds Australasia Rule (“GAR”) 123 states:

Where, in the opinion of the Stewards, a greyhound is found to have marred during an Event, the Stewards must impose a period of suspension in respect of the greyhound pursuant to rule 127, which is to be recorded by them as part of the identification record.

**Particulars:** Highland Warrior turned its head outwards and visibly eased in the home straight; and marred Happy Shoshone approaching the winning post. Highland Warrior underwent a post–race veterinary examination – no apparent injury was reported. Stewards spoke to Mr Matthew Bright regarding Highland Warrior’s racing manners in the home straight and approaching the winning post. Acting under the provisions of GAR 123, Highland Warrior was charged with marring. Mr. Bright pleaded not guilty to the charge. Highland Warrior was found guilty and suspended for 28 days at Sale and must perform a satisfactory Trial in accordance with GAR 127, and pursuant to GAR 132, before any future nomination will be accepted.

 **Plea:** Not Guilty

**DECISION**

In this matter, trainer Ms Kate Gorman is appealing against a decision of the Stewards arising out of the running of Race 1 at Sale on 18 February 2024.

Ms Gorman’s dog, Highland Warrior, is relatively inexperienced. The start of this race was delayed due to another dog effectively catching its tail in the box. All dogs were vetted and re-boxed. The start was then something of a ragged one. Highland Warrior missed the start by some 10 or more lengths, and another dog was also slowly away.

Thus, the field was strung out. On the home turn, four dogs, including Happy Shoshone, ran to the outside rail and effectively were paying far more attention to each other than to the lure. Highland Warrior, still well back, also crossed towards the outside rail and joined that group, which was what could be described as four dogs jostling with each other.

The Stewards allege that Highland Warrior then made muzzle contact with Happy Shoshone, just before the finishing post and near to the outside rail.

I have viewed the video many times. Unfortunately for Ms Gorman and Highland Warrior, I am of the view that Highland Warrior made muzzle contact with Happy Shoshone before the winning post. Accordingly, the Charge of marring is made out.

It is hard not to have some sympathy for Ms Gorman and her dog. This was an extremely ragged race, with ultimately four dogs skirmishing near the outside rail and a considerable distance from the lure. Further, Highland Warrior was a comparatively inexperienced dog, having only its third start. In addition, there had been the upset prior to the start and the re-boxing of the dogs. Highland Warrior seems to me to have been the last of the dogs to join what could be described as the skirmishing group near the outside running rail in the straight. There, the marring took place just before the finishing line.

However, GAR 123 was breached. I would also refer to GAR 126. Marring did occur and did so occur before the finishing line.

Despite the sympathy which may be had for Ms Gorman and the comparatively unusual circumstances in which the marring took place, the charge has been made out and the resulting penalty of a 28 day suspension at Sale, along with the requirement of a satisfactory trial, remains imposed. In short, the appeal is dismissed.

Mark Howard

Registrar, Victorian Racing Tribunal