2 July 2024

**DECISION**

**GREYHOUND RACING VICTORIA**

**and**

**KAYLA THORBURN**

**Date of hearing:** 20 June 2024

**Date of decision:** 20 June 2024

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

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

Ms Kayla Thorburn represented herself.

**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:** Keep Me Close, underwent a post–race veterinary examination and was found to have a right triangle injury. A 10 day stand down period was imposed. Stewards spoke to Ms Kaylah Thorburn regarding Keep Me Close’s performance and racing manners in the home straight. After hearing submissions from Ms Thorburn, viewing the available race footage and acting on their observations, Stewards deemed the performance of Keep Me Close unsatisfactory. Keep Me Close 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**

Ms Kayla Thorburn, you are appealing against a decision of the Stewards in relation to the performance of “Keep Me Close”, trained by you, in Race 2 over 435 metres at Sale on 16 June 2024.

Following the event, the Stewards found that there had been on unsatisfactory performance by the dog, this constituting a breach of GAR 129, and that it must perform a satisfactory trial before racing again. As pointed out by Mr Paul Searle on behalf of the Stewards, this is a Charge of lesser severity than marring or failing to pursue.

This was only the fourth start of the dog and it has already shown very good form. In this race, it finished second. A warning was issued after its first run at Healesville, but that related to almost stopping before the post.

I have viewed the video material of the Sale race and the still photographs of what occurred in the finishing straight many times.

In my opinion, Keep Me Close turned its head towards the dog on its inside, which was Royal Pride, the ultimate winner. This incident occurred comparatively close to the finishing post. Whilst Keep Me Close may have been gaining ground on Royal Pride, in my opinion it was not going to get past that dog prior to the post. It is not of vital importance, but it seems to me that Keep Me Close was going to run second.

I am also not convinced that actual muzzle contact was made with Royal Pride. At least some doubt must exist and, as pointed out by Mr Searle, that doubt led to Keep Me Close being charged pursuant to GAR 129 and not with the more serious offences of marring or failing to pursue.

I can understand and appreciate your unhappiness about Keep Me Close being charged. It is a young dog that has already demonstrated great promise and this was not a clear cut incident, such as marring.

However, it seems to me that the Stewards were entitled to bring this charge of lesser severity. In my opinion, the dog did turn its head at least very close to Royal Pride’s hind leg, and had its mouth open as it turned.

GAR 129 is a Rule of somewhat wide terms and application. In my opinion, what occurred falls within it. The Stewards were entitled to bring the Charge and I am comfortably satisfied that a breach of that Rule did occur.

I understand your attachment to this dog and your distress at the Charge being brought.

However, in my opinion what occurred did constitute a breach of GAR 129 and the Stewards were entitled to bring this Charge, requiring, as it does, a satisfactory trial pursuant to GAR 132.

Accordingly, the appeal is dismissed.

Mark Howard

Registrar, Victorian Racing Tribunal