



DECISION

RACING VICTORIA STEWARDS *and* KATE GOODRICH

Date of Hearing: 10 March 2017

Panel: Judge Bowman (Chair), Mr Brian Forrest (Deputy),
Mr Jeremy Rosenthal.

Appearances: Mr James Ogilvy appeared as counsel for the stewards.

Mr Ragu Appudurai, instructed by Mr Finlay Davis of Davis De La Rue & Associates, appeared as counsel for Ms Goodrich.

Charge Breach of AR 8D

Any licensed person who, whilst the stewards are exercising the powers vested in them by Rule 8B or carrying out their duties, refuses to obey any reasonable direction of stewards or obstructs, hinders or delays stewards in exercising such powers or carrying out their duties, or incites any other person or persons to obstruct, hinder or delay stewards from exercising such powers, or carrying out their duties, or does not act to prevent any other person or persons on the premises from so doing, may be penalised.

Particulars The particulars of the charge are that on 12 December 2016 members of Racing Victoria's Compliance Assurance Team attended Ms Goodrich's licensed training premises for the purpose of conducting a stable inspection. Following the arrival of the stewards, Ms Goodrich:

- a. did not allow the Stewards to conduct a routine race day stable inspection at Ms Goodrich's licensed training premises;
- b. did not allow the Stewards to examine the horse *Street Stalker* (entered to run in Race 6 at Kilmore that day);
- c. refused to obey a reasonable direction from Stipendiary Steward Mr Melville to allow an inspection of the horse.

Ms Goodrich's conduct was in contravention of AR 8D, as she:

- a. obstructed and/or hindered the Stewards from exercising the powers vested in them by AR 88 and/or carrying out their duties; and/or

- b. refused to obey reasonable directions of the Stewards where those directions were made in the exercise of powers under AR 8D and/or in the carrying out of their duties.

Plea: Guilty.

Decision: Ms Goodrich convicted and suspended for a period of 3 months - that period of suspension being wholly suspended for a period of 12 months on the condition that Ms Goodrich does not commit a further breach of AR 8D during the 12 month period.

Should a breach of AR 8D occur during the 12 month period, the 3 month period of suspension will be activated.

Georgie Gavin
Registrar - Racing Appeals and Disciplinary Board

TRANSCRIPT OF PROCEEDINGS

RACING APPEALS AND DISCIPLINARY BOARD

HIS HONOUR JUDGE J. BOWMAN, Chairman
MR B. FORREST, Deputy Chairman
MR J. ROSENTHAL

EXTRACT OF PROCEEDINGS

DECISION

RACING VICTORIA STEWARDS

and

KATE GOODRICH

RACING VICTORIA CENTRE, FLEMINGTON

FRIDAY, 10 MARCH 2017

MR J. OGILVY appeared on behalf of the RVL Stewards

MR R. APPUDURAI appeared on behalf of Ms K. Goodrich

CHAIRMAN: In this case, we point out that the penalty in relation to race-day administration is, as we understand it, one of six months' disqualification unless special circumstances apply, and the special circumstances include a plea of guilty - it might be taken into account at what stage that guilty plea is made - and we have seen various trainers, numerous trainers, dealt with when the race-day inspection has revealed an administration has taken place. For example, trainers at all levels have to allow these inspections to take place and they do. You can go back to Gai Waterhouse on Melbourne Cup Day, November 2013, who obviously allowed a stable inspection. Administration was found, there was a guilty plea and she was fined. A trainer of a runner in the Melbourne Cup, Mr Delzangles, Dunaden, he allowed a race-day inspection; Peter Moody; recently Robbie Laing we have had. It is something that has to be permitted for the good of racing and it is viewed sufficiently seriously, the whole situation, that there is an automatic six-month disqualification if something is found, unless special circumstances apply.

We feel that someone blocking a race-day inspection should not necessarily be in a better position than someone who permits it and something is found. The block of the inspection has prevented the stewards from carrying out their duty and blocked from perhaps finding that there has been an administration. So we are viewing it in that context, but we are also aware of a couple of other things. We are aware that there is a lengthy history to this matter. We are aware of the obvious distress that it causes to Ms Goodrich and we are aware of the fact that nominations have now not been accepted by the stewards for a period of

something approaching three months.

Now, part of that time, it could be said, was caused by adjournments and delays in getting the matter on. The bottom line is that for three months approximately, horses have not been nominated and we accept that there are none in the stables in work at the moment. We balance that against the sort of penalty that applies if a race-day administration has been found, again repeating that you should not be in a better position if you block an inspection than if something turns up. However, we are also conscious of what the Stewards have said in the type of outcome that Mr Ogilvy has pointed to as being one which the stewards would view favourably, if I can put it that way. However, we think it is too complicated if we are going to be imposing conditions, a bit like in the criminal law system, community corrections orders and the like.

What we propose to do in this case is to impose a period of suspension but suspend that. The period of suspension that we think is appropriate to be suspended is a period of suspension of three months, being in rough terms the difference between the six months that trainers get if they have administered and the special circumstances do not apply, and the three months of not being able to race horses that has already occurred to this date. So an overall six months, less three; a suspension period of three months, suspended for a period of 12 months, and in the event of there being a further breach of AR 8D, the matter will be revisited.
