APPEAL PANEL OF RACING NEW SOUTH WALES

IN THE MATTERS OF THE APPEAL OF
LICENSED TRAINER JOHN GILMORE AND LICENSED FOREPERSON COREY GILMORE

Appeal Panel:	**Mr L Gyles SC – Principal Member; Mr J Murphy; Ms S Skeggs**
Representatives:	**Racing NSW – Mr Cleaver**
	Appellant – Mr Murdoch KC
Date of Decision:	**2 September 2025**

REASONS FOR DECISION

L GYLES SC: Principal Member

These two Appeals came about as a result of a Steward's enquiry concerning the alleged injection of the racehorse Backstage one clear day prior to it being engaged to race at Grafton Racecourse on Sunday 6 July 2025. The Stewards found that Mr Corey Gilmore, the stable foreperson, had injected the horse on the day before the race, and that Mr John Gilmore, the horse's trainer, was a party to that injection.

Charges were issued accordingly by the Stewards and John and Corey Gilmore each pleaded guilty to a charge under AR254(1)(a)(ii). The Stewards issued a penalty to John Gilmore of a disqualification of his trainer's license for three months, at which time Mr Gilmore may reapply for his license. A disqualification of six months was imposed in respect of Corey Gilmore, at which time he was able to reapply for his license.

Each of John and Corey Gilmore bring this Appeal in respect of the penalties imposed upon them by the Stewards, asserting that the penalties were excessive in the circumstances. A stay of each of the proceedings was sought, which was not opposed by the Stewards, and which remains in place.

Each of the Appeals came on for hearing before the Racing Appeals Panel on 26 August 2025 by audiovisual link. Mr Cleaver appeared for Racing NSW and Mr Murdoch KC for each of the Appellants. The issues before the Appeals Panel were of relatively short compass in that there was no challenge to the facts underlying the relevant charges, to which pleas of guilty were entered, and the only matter for consideration was sanction.

The breach, in short, involved Mr Corey Gilmore giving an intravenous administration by way of an injection of 10 mls of VAN (Cobalt free) and 10mls of Vitamin B12 to the racehorse Backstage on Saturday 5 July 2025, being within one clear day prior to its scheduled engagement in Race 3 at Grafton Racecourse on Sunday 6 July 2025.

Mr Cleaver on behalf of the Stewards submitted to the Panel that each of the sanctions imposed by the Stewards was necessary, reasonable and in line with previous decisions of both the Panel and the Tribunal. Mr Murdoch, on the other hand submitted that, in the particular circumstances of the case, a fine was the appropriate sanction.

Mr Cleaver accepted that the breach by the claimants was not intentional and arose out of a misunderstanding or ignorance of the rules on the part of Corey Gilmore, that misunderstanding being that the embargo only applied to the 24 hour period immediately prior to the relevant race, rather than the 24 hour period prior to the day of the race. The horse in the present case was injected more than 24 hours prior to the race in which it was entered, but on the day before the race, therefore in breach of the relevant rule.

Mr Cleaver accepted that each of the Appellants, particularly John Gilmore, had exemplary disciplinary records and described it as “the best you could possibly hope for”. He accepted that there was little if any need for a sanction to bring about specific or individual deterrence in respect of either of the Appellants but that the fixing of a sanction was about general deterrence, that is, to send a clear message to industry participants about the importance of compliance with the relevant rule.

Mr Cleaver provided a very helpful collection of authorities, the majority of which he accepted involved more serious conduct and a greater need for both specific and general deterrence than the present cased. He however relied particularly on the Panel decision *In the Matter of Mr Hunter Kilner* of 27 November 2017. In

that case, Mr Kilner, a licensed trainer, was found to have injected a horse without the permission of the Stewards on the day before it was to race, and the Stewards imposed a three month suspension. Mr Kilner appealed against the suspension submitting that he had decided to scratch the horse from the relevant race and that in those circumstances a breach of AR178(a)(b)(1b) had not been made out. The Panel did not accept that submission and found him guilty, the critical issue being whether the horse had been injected as compared to the subjective intent of the person doing so. When it came to sanction, the Panel noted that Mr Kilner had been training horses for nearly 50 years and had a good record, and that there had been no intent to cheat or be dishonest in injecting a horse at a time that he did. Notwithstanding that, the Panel found that the breach of the relevant rule was objectively serious and must ordinarily attract a penalty in the nature of a suspension or a disqualification.

This observation has been referred to in subsequent Appeal Panel decisions including *In the Matter of Mr Carl Poidevin* dated 20 July 2018.

Mr Cleaver submitted that it would be in accordance with this presumption, and with the other relevant authorities, for the Panel to approach a breach of this rule as one which is objectively serious and that hence, at a minimum, a suspension or disqualification should be imposed to provide the necessary level of general deterrence across the industry.

The Panel also notes that Mr Cleaver accepted that the horse had been injected with a vitamin which had been recommended by a vet for the welfare of the horse and accepted that there is no evidence before the Panel that it brought about any enhancement to the performance of the horse.

Mr Murdoch KC submitted that John Gilmore was 77 years of age and had been training horses for over 40 years. He said that Mr Gilmore had worked between 1991 and 2005 in China and at one point had been responsible for 1,800 staff in Macau where he was employed by the race club housing and stabling the racehorses being trained in that location. He submitted that Mr Gilmore had an exemplary record whilst overseas and in Australia and had only ever been involved in very minor breaches of the rules. He submitted that Mr Gilmore currently had three to five horses in active work at any one time and that any revenue which was obtained essentially went back into the running of the stable and he himself was on an aged pension.

Mr Murdoch also pointed to the difficult personal circumstances of Mr Gilmore which means that he currently has relatively little time to devote to running the stable, and which caused the need for him to seek the assistance of his son Corey in that respect. Mr Gilmore's 81 year old partner has Alzheimer's and Dementia, requiring essentially full time care. This was exacerbated recently by her having a fall meaning that it is very difficult for Mr Gilmore to get to the stables in the morning. Mr Murdoch submitted that this is not the usual situation and that it will be alleviated if Mr Gilmore's partner is able to obtain a place in an aged care facility which she has been waiting on.

When that happens, it was submitted that Mr Gilmore will be able to return to his usual work in the stables in the morning without the assistance of his son.

Mr Murdoch submitted that Corey Gilmore worked in the property industry and did not earn any income in the racing industry. He submitted that he had volunteered to do the early shift at the stable to support his father and allow him to continue doing what he loved which was being involved in the racing industry, and without payment. Corey Gilmore told us that had no intention of ever seeking or working in a paid job in the industry and was essentially doing his father a favour.

A number of very impressive references were provided attesting to the integrity and character of both John and Corey Gilmore. These included suppliers, vets, including Kevin Squire who described John Gilmore as one of the most honest and professional trainers that he had ever had the honour of working with.

Mr Murdoch pointed to the incident as being one of negligence or ignorance as compared to intentional conduct and made reference to the high level of co-operation of the Appellants and the fact that the treatment had been entered in the stable's treatment book as evidence that there was no intention to hide what had occurred. He submitted that there was no real prosect of either of the Appellant's reoffending, and the Panel accepts that.

In relation to the *Kilner* decision, Mr Murdoch submits that the penalties have reduced somewhat since 2017 and emphasises that there should be no retribution or punishment for the individuals in the fixing of the relevant sanction in the light of Pattison's case.

Mr Murdoch submitted that the most relevant case was that of *In the Matter of Brett Robb* of 28 May 2025 in which the trainer was found to have been in

breach of AR254 by the administration of an injection within a day of a gelding being engaged to race. The Stewards imposed a fine as compared to a suspension or disqualification. In that case, the trainer had decided not to run the horse in the race the following day and had communicated that to the owners prior to the horse being injected. The breach was therefore found to be administrative only and one of timing rather than one of substance, but nevertheless the Panel imposed a sanction being a monetary fine. This was said to be because of the importance of the integrity to the reputation of racing in NSW.

Mr Murdoch submitted that the Robb case was similar in the sense that there was an infringement, but it was at the lowest level of culpability. He submitted that it was therefore a reliable yard stick for the present case. He also pointed to a decision of the Queensland Racing Integrity Commission in respect of *Christopher Munce* concerning the injection of a Mare within one clear day of a race at Eagle Farm.

One needs to be careful about relying upon precedents as these cases are very dependent upon their own facts. This Panel may also have arrived at a different decision in those cases and may consider the sanctions to be insufficient, or excessive.

In any event, in the *Munce* case the Tribunal found that ill health had contributed to the breach and the decision may also have been affected by the large number of staff employed by the applicant and the fact that he had approximately 55 horses in active work, and the consequences upon his operation if a suspension was imposed. The situation is very different from the present.

What is more important are the facts of the present case and the accepted authority in this Tribunal that a breach of AR254 will *ordinarily* lead to a suspension or disqualification to give sufficient regard to the general deterrence requirement in sentencing.

In all of the circumstances, the Panel has come to the view that the sanctions imposed by the Stewards in respect of each of Mr John and Mr Corey Gilmore should be reduced. In relation to John Gilmore, it is difficult to imagine better references as to his honesty, integrity and character, and he has plainly been a significant contributor to the industry and a person of the highest repute. Further, he was not the person who injected the horse and his absence from the stable

has been brought about by a very difficult personal circumstance that he finds himself in as the carer for his partner. The Panel considers that a monetary fine of $1,000 is a sufficient penalty for his involvement in the breach.

However, in respect of Corey Gilmore, even though he was a volunteer and effectively doing his father a favour at a difficult time, he was the most senior person on hand with responsibility for the running of the stable that morning, and the person who administered the injection. Even where the breach came about by way of an honest mistake, his father was available on the telephone to check with, and the Panel is not comfortable in giving anything less than a suspension in respect of a breach of a very serious and important rule of racing. To fail to suspend Mr Gilmore would in the view of the Panel create a dangerous precedent and would not provide the necessary level of general deterrence, or send a strong enough signal to the industry that such breaches will be taken with the utmost seriousness.

The Panel however has a good deal of sympathy for Corey Gilmore, as a volunteer and not a paid participant in the industry, who's motivation is the wellbeing and enjoyment of life of his father. It is therefore considered that a suspension rather than a disqualification is appropriate, and that the period be reduced to six weeks. It is hoped that this may assist to Mr John Gilmore to keep his stable open. The stay in relation to Mr Corey Gilmore will be lifted forthwith.

Orders

The orders of the Panel are therefore as follows:

1. The Appeals be allowed in part.
2. The disqualification imposed by the Stewards in respect of John Gilmore be set aside and he be fined $1,000, to be paid at a time and in a manner to be agreed with the Stewards, without further reference to this Panel.
3. The disqualification imposed by the Stewards in respect of Corey Gilmore be set aside and he in lieu will have his licence suspended for a period of six weeks to commence immediately and to expire on 13 October 2025
4. The Appeal deposit may be returned.

2 September 2025