

Harness
Racing Appeals & Disciplinary Board

Media Release

Racing Appeals & Disciplinary Board

Result of the appeals held before the HRV Racing Appeals and Disciplinary Board on 13 February 2018.

Brad Chisholm

Against decision and 6 week suspension imposed by the stewards under Rule 149 (1) at Tabcorp Park Melton on 31 December 2017.

Appeal as to decision dismissed. Penalty varied to 3 weeks.

HRV RAD Board Panel: Alanna Duffy (Chairperson), Rod Osborne.

Appellant Representative: Lance Justice
HRV Representative: Shane Larkins

The Racing Appeals & Disciplinary Board (RADB) is established under section 50B of the Racing Act (1958). The RADB is an independent Board established to hear and determine appeals in relation to decisions made under the rules to impose penalties on persons and to hear and determine charges made against persons for serious offences.

TRANSCRIPT OF PROCEEDINGS

RACING AND DISCIPLINARY BOARD

MR ALANNA DUFFY, Chairperson

MR ROD OSBORNE

EXTRACT OF PROCEEDINGS

BRAD CHISHOLM

DECISION

13 February 2018

Mr SHANE LARKINS appeared on behalf of the HRV Stewards

Mr LANCE JUSTICE appeared on behalf of Brad Chisholm

Having considered all of the submissions that have been put, we consider that Mr Chisholm is guilty of a breach of rule 149(1).

We consider the appropriate penalty, taking all the mitigating circumstances into account, in this case is a three week suspension. We essentially found you, Mr Chisholm, guilty of the charge because in our view, you did persevere for too long in trying to keep the horse in the front or up near the leaders when you knew that it couldn't maintain that position but we're not necessarily convinced that pulling back the horse at the 1100 meter mark would have been appropriate or would of gained you any advantage.

We think that there are some other mitigating factors here including the wheel lock at the beginning of the race which put you at a disadvantage and without being critical of the stewards, Mr Larkins, we do think that there probably should have been an opportunity to present evidence from the trainer during the course of the Stewards' enquiry. We understand the circumstances in which it unfolded that Mr Chisholm had other rides and then it got late in the evening so as I said, we're not necessarily being critical of the stewards but we have taken those matters into account including, in particular, the change in tactics and what the trainer has said about that. We regard what Mr Chisholm has done as an error of judgement.

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We've taken into account (in accordance with the minimum penalty guidelines) Mr Chisholm's experience, the effect that his actions had on the final finishing position of the horse and all of the circumstances, including those that we consider mitigating circumstances in relation to the breach of the rule.

We consider that an appropriate penalty in this matter is a 3 week suspension.

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Joe Pace

Against decision and 3 week suspension imposed by the stewards under Rule 163(1) (a) (iii) at Terang on 2 January 2018.

Appeal as to decision dismissed. Penalty varied to 10 days.

HRV RAD Board Panel: Alanna Duffy (Chairperson), Rod Osborne.

Appellant Representative: Andrew Peace

HRV Representative: Neal Conder

TRANSCRIPT OF PROCEEDINGS

RACING AND DISCIPLINARY BOARD

MR ALANNA DUFFY, Chairperson

MR ROD OSBORNE

EXTRACT OF PROCEEDINGS

JOE PACE

DECISION

13 February 2018

Mr NEAL CONDER appeared on behalf of the HRV Stewards

Mr ANDREW PEACE appeared on behalf of Joe Pace

We are satisfied, on the balance of probabilities, which is the standard of proof at this tribunal, that Mr Pace is guilty of a breach of rule 163(1)(a)(iii), that is, he is guilty of causing or contributing to interference. Our reasons for that finding are that we consider that Mr Pace' horse was too tight on the horse on the inside and that caused that horse to check.

We understand the way that the stewards reached the penalty that was given on the day of the race in terms of working through the minimum penalty guidelines. We note, however, that they are just that, they are guidelines. We are of the view in this matter, the degree of interference was really about as low as it gets. Taking all of the circumstances into account, we have decided that an appropriate penalty is a 10 day suspension.

Mark Buckingham

Against a 6 week suspension imposed by the stewards under Rule 149(1) at Cobram on 7 January 2018.

Appeal upheld.

HRV RAD Board Panel: Alanna Duffy (Chairperson), Rod Osborne.

Appellant Representative: Lance Justice

HRV Representative: Shane Larkins

TRANSCRIPT OF PROCEEDINGS

RACING AND DISCIPLINARY BOARD

MR ALANNA DUFFY, Chairperson

MR ROD OSBORNE

EXTRACT OF PROCEEDINGS

MARK BUCKINGHAM

DECISION

13 February 2018

Mr SHANE LARKINS appeared on behalf of the HRV Stewards

Mr LANCE JUSTICE appeared on behalf of Mark Buckingham

We find Mr Buckingham not guilty of a breach of rule 149(1). We're not satisfied on the balance of probabilities that if Mr Buckingham had restrained Bernice Okane to the rear of the field at the 1300 meter mark, that Bernice Okane would have obtained a better possible placing in the field.

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