

Media Release

Racing Appeals & Disciplinary Board

6 September 2018

HRV RAD Board Hearing – David Aiken & Nathan Jack

The Harness Racing Victoria (HRV) Racing and Appeals Disciplinary (RAD) Board today heard charges issued under the Australian Harness Racing Rules (AHRR) against licensed persons David Aiken and Nathan Jack.

The charges related to the conduct of the respective parties at the Tabcorp Park Melton race meeting conducted on Saturday 7 April 2018.

David Aiken – Three (3) Charges

Mr Aiken pleaded guilty to the three (3) charges issued by the HRV Stewards.

Charge 1 was issued under the provisions of AHR Rule 231(1)(e) which states:

231 (1) A person shall not

(e) assault

anyone employed, engaged or participating in the harness racing industry or otherwise having a connection with it.

The charge related to Mr Aiken's conduct when entering the Tabcorp Park Melton Stewards Room when he pushed Nathan Jack with an open hand and made menacing comments towards him.

Charge 2 was issued under the provisions of AHRR 231(1)(2) which states:

231 (2) A person shall not misconduct himself in any way.

The charge related to Mr Aiken's conduct in the stabling area where he directed abusive language towards Mr Jack.

Charge 3 was issued under the provisions of AHRR 231(1)(2) which states:

231 (2) A person shall not misconduct himself in any way.

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.

This charge related to Mr Aiken's conduct in the Stewards Room where he directed inappropriate comments towards Mr Jack.

Penalties

After hearing submissions from the HRV Stewards and Mr Aiken the HRV RAD Board imposed the following penalties:

Charge 1 - \$2,000 fine (\$1,000 of the penalty suspended for 2 years providing no further breaches of 231(1)(e)).

Charge 2 - \$500 fine (\$250 of the penalty suspended for 2 years providing no further breaches of 231(2)).

Charge 3 - \$250 fine.

In assessing penalty the HRV RAD Board were mindful that Mr Aiken was a long time participant with an unblemished record with respect to conduct matters; his early guilty plea; the obvious remorse shown and acceptance of his wrongdoing. The HRV RAD Board were also mindful of the personal references tendered which displayed that this offending was out of character and that there were some elements of provocation present. The HRV RAD Board finally advised that this type of behaviour must be deterred and will not be tolerated.

Nathan Jack – Two (2) charges

Mr Jack pleaded guilty to the two (2) charges issued by the HRV Stewards.

Charge 1 was issued under the provisions of AHRR 231(1)(2) which states:

231 (2) A person shall not misconduct himself in any way.

The charge related to Mr Jack's conduct towards Kima Frenning upon pulling up at the completion of Race 6 where he directed inappropriate comments towards Ms Frenning.

Charge 2 was issued under the provisions of AHRR 231(1)(2) which states:

231 (2) A person shall not misconduct himself in any way.

The charge related to Mr Jack's conduct towards Mr Aiken where he directed abusive language towards Mr Aiken in response to comments directed to him by Mr Aiken.

Penalties

Charge 1 - \$1,000 fine (\$500 of the penalty suspended for a period of 2 years providing not further breaches of 231(2)).

Charge 2 - \$250 fine.

In assessing penalty the HRV RAD Board took into account that Mr Jack had entered an early guilty plea; shown remorse; and his poor prior conduct record, albeit mindful that the majority of the prior offending was minor in nature. With respect to Charge 2 the HRV RAD Board took into account Mr Jack's offending was in reply to comments directed towards him. The HRV RAD Board finally advised that this type of behaviour must be deterred and will not be tolerated.

HRV RAD Board Panel: Alanna Duffy (Chair), Kerry Willcock