

Media Release

Racing Appeals & Disciplinary Board

24 May 2019

HRV RAD Board – Scott Dyer

On 22 May 2019, the Harness Racing Victoria (HRV) Racing Appeals and Disciplinary (RAD) Board considered charges issued against formerly licensed person Scott Dyer under Australian Harness Racing Rules (AHRR) 189(9), 147(1), 192(1)(c) and 240 relating to races at Swan Hill on 2 December 2014, at Charlton on 8 December 2014 and at Horsham on 15 December 2014.

The Board was provided with a statement of facts which had been agreed by the parties.

At the outset of the hearing, Mr Dyer entered pleas of guilty to charges 3,4,6,7 and 8. Charges 1, 2 and 5 were subsequently withdrawn.

Charge 3, under AHRR 189(9) which states:

It is an offence for a person to fail to comply with a direction given under sub rule (5) or sub rule (7) or sub rule (8) or to interfere with or prevent or endeavour to interfere with or prevent the carrying out of a test or examination.

The particulars of charge 3 were that on 8 December 2014, following the horse 'Waterslide' winning Race 5 at the Charlton harness racing meeting, Mr Dyer injected that horse with the substance potassium, prior to a post-race blood sample being obtained from 'Waterslide', in an endeavor to interfere with the blood test.

Charge 4, under AHRR 147(1) which states:

A driver shall race a horse on its merits.

The amended particulars of charge 4 were that on 15 December 2014, Mr Dyer drove 'Sukovia' (the favourite) in Race 5 at the Horsham harness racing meeting, a race won by 'Dynamite Dick'. During the course of that race Mr Dyer did not drive 'Sukovia' on its merits. Mr Dyer had discussions prior to the race with Larry Eastman regarding the fact that 'Dynamite Dick' would be stomach tubed before it competed in that race. Mr Dyer knew that this information could be used by Mr Eastman for betting purposes.

Charge 6, under AHRR 192(1)(c) which states:

192(1) - No person, unless he has first obtained the permission of the Stewards, shall have in his possession either on a racecourse or in any motor vehicle or trailer being used for the purpose of travelling to or from a racecourse any prohibited substance or a syringe, needle or other instrument which could be used –

(c) to administer any medication or substance to a horse.

The particulars of charge 6 relates to Mr Dyer's possession of a syringe on 8 December 2014, following the horse 'Waterslide' winning Race 5 at the Charlton harness racing meeting, Mr Dyer injected that horse with the substance potassium, via a syringe, prior to a post-race blood sample being obtained from 'Waterslide', in an endeavor to interfere with the carrying out of the blood test.

Charge 7 & 8, under AHRR 240 which states:

A person shall not, whether alone or in association with others, do, permit or suffer anything before, during or after a race which in the opinion of the Stewards or Controlling Body may cause someone to be unlawfully advantaged or disadvantaged or be penalised or is corrupt or otherwise improper.

The particulars of charge 7 were that on 2 December 2014, prior to the running of Race 7 at the Swan Hill harness racing meeting, Mr Dyer had discussions with Larry Eastman regarding the fact the horse 'Cashisking' would be stomach tubed before it competed in that race. Mr Dyer (who drove 'Cashisking') knew that information could be used by Mr Eastman for betting purposes, which in the opinion of the Stewards is corrupt or otherwise improper conduct.

The particulars of charge 8 were that on 15 December 2014, prior to the running of Race 5 at the Horsham harness racing meeting, Mr Dyer had discussions with Larry Eastman regarding the fact the horse 'Dynamite Dick' would be stomach tubed before it competed in that race. Mr Dyer knew that information could be used by Mr Eastman for betting purposes, which in the opinion of the Stewards is corrupt or otherwise improper conduct.

The HRV RAD Board heard submissions on penalty from Adrian Anderson, representing HRV, and Joe Beder, representing Mr Dyer.

In determining penalty the HRV RAD Board considered the following:

- The very serious nature of the charges which included race rigging and endeavoring to interfere with the result of a blood test.
- The primary purpose of the rules of harness racing is to protect the integrity of the harness racing industry
- Mr Dyers corrupt actions struck at the very heart of the integrity of the harness racing industry
- Specific deterrence and general deterrence
- The Board took into account the lesser role played by Mr Dyer compared to his co-accused, Larry Eastman, who was disqualified for 16 years
- The mental health issues suffered by Mr Dyer which pre-dated and post-dated the offences before the board
- Mr Dyers plea of guilty and his good character references

Penalty

After taking these factors into account, the HRV RAD Board issued a aggregate penalty of 8 years disqualification back dated to commence on 25 June 2018, the date Mr Dyer was stood down by HRV Stewards.

HRV RAD Board Panel: Judge Graeme Hicks (Chairman) and Robert Abrahams (Deputy Chair)