

14 February 2020

DECISION

HARNESS RACING VICTORIA

and

MR AARON DUNN

- Date of hearing:** 13 February 2020
- Panel:** Judge John Bowman (Chairperson), Judge Graeme Hicks (Deputy Chairperson) and Mr Greg Childs.
- Appearances:** Mr Shane Larkins appeared on behalf of the Stewards.
Mr Lance Justice appeared on behalf of Mr Dunn.
- Charge:** Australian Harness Racing Rule 163 (1)(a)(iii) states “A driver shall not (a) cause or contribute to any (iii) interference.
- Particulars of charge:** The particulars of the charge being that Aaron Dunn (Vanity Bay) was found guilty of a charge under AR163(1)(a)(iii) for causing interference, in that after his drive veered inwards sharply with approximately 1300m to travel when challenged by Imagine Its Me and Vanity Bay then raced well inside the line of marker pegs for some distance, he directed his drive outwards to regain a position in the field to trail the leader Imagine Its Me and in doing so caused interference to Saint Houdini. This occurrence resulted in Saint Houdini contacting the off side sulky wheel of Vanity Bay, being checked and racing roughly and both Crescro Goldigger and Tiger Play, which were racing to the outside and trailing respectively, being checked. The licence to drive in races of Mr Dunn was suspended for 3 weeks to commence at a time to be advised. In assessing penalty stewards took into account the degree of interference suffered to multiple runners, which was deemed to be mid-range, the degree of carelessness on the part of the driver, which was also adjudged to be mid-range and the driver’s not guilty plea. Stewards further took into account all provisions of the HRV Minimum Penalty Guidelines, the minimum frequency with which Mr Dunn is driving and his recent record in relation to breaches of this rule, which reflected only 26 drives since his last suspension 12 weeks prior.

Plea:

Not Guilty

DECISION

Mr Aaron Dunn, you have been charged with a breach of AHRR 163 (1)(a)(iii). You were the driver of Vanity Bay in Race 6 at Boort on 6 January 2020. It is alleged that your horse, having moved unexpectedly well inside the marker pegs when going down the back straight, you then steered Vanity Bay back to the correct side of the marker pegs and did so abruptly. It is alleged that you did this in a fashion which caused interference to Saint Houdini driven by Glenn Douglas, and, to a lesser extent to Cresero Golddigger, driven by Gary Pekin and Tiger Play, driven by Wayne Watson. You have pleaded 'not guilty' to the charge.

We have viewed the video several times. We have also taken into account the submissions made by Mr Larkins on behalf of the stewards and Mr Justice on behalf of yourself. We have also taken into account what you have had to say.

There are some unusual aspects to this case. Essentially, you are saying that your horse suddenly veered off between the marker pegs. There is no doubt but that it veered off completely and then, for at least a couple of marker pegs, effectively ran parallel to the track. You then brought it back on. You say that you had to come back on quite sharply because you were heading towards a grey metal pole on the inside of the track. You had no alternative but to come back on to the track or you would have struck the pole, which we understand to be a timing device.

There is no dispute but that the grey pole is there. However, when being interviewed by the stewards, you made no mention of it. You did not say that it played any role in what occurred. You simply did not mention it.

Secondly, when you did come back on to the track, Mr Douglas, who was second on the inside, appeared to us to attempt to move outwards and give you a little space, which would have been behind the leader. However, you continued to move outward, possibly because you did not want to be trapped behind the leader. For whatever reason, having almost forced your way back on to the track, you continued to shift towards the outside of the track and interference occurred. Also, when inside the marker pegs, you appeared to lose little, if any, ground.

The Rule is clear and is a strict one. In summary, if a driver shifts inside the line of marker posts, the driver shall restrain the horse and, without interference to another runner, regain the position in the true running line at the first opportunity.

Unfortunately, we have arrived at the conclusion that you did not restrain the horse, or restrain it sufficiently, when inside the line of the marker pegs at the first opportunity and when you did re-enter the track, you did cause interference to another horse, namely that driven by Mr Douglas. Thus we find the charge proven.

We would make the following additional remarks. Whilst we are not satisfied that the grey metal timing pole played a relevant role on this occasion, the position of such poles comparatively close along the inside of the track is something which could indeed be dangerous. They are close to track and not far from the marker pegs. We are of the view that, whilst we are not of the opinion that they played a relevant role in this case, they appear to be dangerous.

PENALTY

Bearing in mind your poor record, the plea of 'not guilty' and that this was wide range interference, we have determined not to interfere with the penalty imposed by the stewards, which is 3 weeks suspension.

Mark Howard
Registrar, Victorian Racing Tribunal