

Media Release

Racing Appeals & Disciplinary Board

Result of the appeals held before the HRV Racing Appeals and Disciplinary Board on 7 February 2018.

Jason Lee

Against a 6 week suspension imposed by the stewards under Rule 149 (1) at Tabcorp Park Melton on 22 December 2017.

Appeal dismissed. Penalty varied to 4 weeks.

HRV RAD Board Panel: John Doherty (Deputy Chairman), Kevin Carson.

Appellant Representative: Damian Sheales

HRV Representative: Nick Murray

TRANSCRIPT OF PROCEEDINGS

RACING AND DISCIPLINARY BOARD

MR JOHN DOHERTY, Deputy Chairman

MR KEVIN CARSON

EXTRACT OF PROCEEDINGS

JASON LEE

DECISION

7 February 2018

Mr NICK MURRAY appeared on behalf of the HRV Stewards

Mr DAMIAN SHEALES appeared on behalf of Jason Lee

Our deliberation is this. In respect of Jason Lee, the rule that he's been charged with really attempts to ensure that, I'm stating the obvious here, his drive on Vincennes enables that horse to win or obtain best possible place in the race. Now a question for us was were reasonable and permissible measures taken by him in relation to trying to achieve that win or best possible place or was his drive, could have been regarded as unreasonable.

Here the stewards say that the challenge by him for the lead at the pace of the race was run in the lead up, in the lead time, ultimately led to the horses defeat and inability to obtain a best possible placing. I think it's not disputed that the lead time in this race was the fastest for five years and it's only beaten by higher class pacing horses during that period. Ultimately, his horse has lead and we've seen from the imaging of the race compounded in the final stages. Now the racing history of the horse suggests that if it leads, it will win or it will place but it's an unknown what the lead times were in those particular races and the lead time in this race was critical, ultimately the stewards say to the horses defeat. I suppose only if one could surmise that in those places in those races where the

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horse won or placed, the lead time would have been slower otherwise the stewards would have said well, in the subject race otherwise that would have been brought to our attention given the 1740 races or whatever it was that the stewards talked about. So that ultimately one might conclude there because of the slower lead time it had a better chance of placing so the reverse of what's been breached here. Just how far is too far in this race. Both Lee and Phillip's sought the lead for about 500 meters. There was an earlier option for in this case we're talking about Mr Lee only, not Mr Phillips. In this case there was an earlier option we say for him to surrender but he refused to, believing his horse had a better chance of placing or winning if you proceeded on in the way that he did and in our view he was mistaken and the fast lead time did contribute to the horse Vincennes down fall. Although he says the horse is a noted puller, he could have been restrained, we say, well before it did take over the lead. He is an A-Grade driver. He's had over 2000 drives and in our view, he is not inexperienced. It's our view objectively that he's failed to restrain the horse, completely unreasonable rather than an error of judgement and the breach of respective rule 149 is substantiated.

Considering the penalty for Jason Lee who's been found in breach of rule 149 of the Australian Harness Racing Rules, we've considered what's been put in mitigation for him and considering all of the circumstances of the case. Although he has a prior for the same offence, we take note that at that time he obviously was less experienced otherwise he does have a good record in the industry, he has a good name in the industry, he's an A-grade driver. We're of the view, although the appeal as conviction has not been upheld, in respect of the penalty it ought to be varied from 6 weeks suspension to 4 weeks.

Zac Phillips

Against a 4 week suspension imposed by the stewards under Rule 149 (1) at Tabcorp Park Melton on 22 December 2017.

Appeal dismissed. Penalty varied to 14 days.

HRV RAD Board Panel: John Doherty (Deputy Chairman), Kevin Carson.

Appellant Representative: Rob O'Connell

HRV Representative: Nick Murray

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TRANSCRIPT OF PROCEEDINGS

RACING AND DISCIPLINARY BOARD

MR JOHN DOHERTY, DEPUTY CHAIRMAN

MR KEVIN CARSON

EXTRACT OF PROCEEDINGS

ZAC PHILLIPS

DECISION

7 February 2018

Mr NICK MURRAY appeared on behalf of the HRV Stewards

Mr ROB O'CONNELL appeared on behalf of ZAC PHILLIPS

We'll give our find in relation to the appeal by Zac Phillips in relation to his drive on Red Hot Tooth. He's been charged with a breach of a rule which attempts to ensure that the horse that he's driven will obtain the best possible place in the race or win the race, so one of the questions for us I suppose is whether it's reasonable and permissible measures were taken by Mr Phillips or was his drive completely unreasonable having regard to what the stewards say. The stewards effectively say this, that there was a challenge for the lead at a pace that was run that ultimately lead to the horses defeat and inability to obtain the best possible place and that applies equally to Phillip's as it did to Mr Lee before us so the case is presented in much the same way. It's not disputed that the lead time in this particular race was the fastest for five years and has only been beaten and when I say beaten, not equal, but beaten by a higher class pacing horses. Just how far I suppose is how far the stewards would prefer to concentrate on the earlier part of the race leading up to the lead time although we acknowledge what Mr Phillips and Mr O'Connell for him say that the end of the race is important in so far as trying to obtain the best possible place. We say that both Lee and Phillips sought the lead for about 500 meters and there was at some stage an earlier option for either driver to surrender but both refused that until Phillips did grab hold of his horse but believing to go forward and hold the lead would give them a better chance of winning.

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The lead times for the races where Red Hot Tooth has placed or won, we don't know the overall times but the lead times for those races are not known but it is known for this race and as I say, the stewards would say that that early burn has contributed to Red Hot Tooth's defeat. We've examined the race, seen the race. We also acknowledged that previously this horse has raced very well when it didn't lead in fact it won at similar race, same race, same sort of race, back on the 11th of March 2017 when it did surrender the lead. In all the circumstances we say the horse might have made some ground in the last little bit but the ground it did make, we disagree with what Mr O'Connell and Mr Phillips is saying so far is that it was finishing off as well as they do. We are not of that opinion. We say that there has been a breach of the rule and the charge against Mr Phillips is sustained.

We acknowledge that you do have a pretty good driving record and you're very well regarded and respected within the industry, you have a good name, a good reputation and when you leave here today we want you to be aware of that, that's what we think of you. We're well aware of that and also the fact that Mr Males races horses, he's known to us, he's certainly known to me, as somebody who races horses and Mr O'Connell.

It's our view that the appeal as to conviction will be dismissed and the appeal as to penalty though will be upheld and varied. The initial suspension was for four weeks. Our view is the suspension should be for two weeks, 14 days.

Monique Burnett

Against a 10 day suspension imposed by the stewards under Rule at Tabcorp Park Melton on 26 December 2017.

Appeal dismissed. Penalty varied to 7 days.

HRV RAD Board Panel: John Doherty (Deputy Chairman), Kevin Carson.

Appellant Representative: Glenn Douglas

HRV Representative: Amy Glide

TRANSCRIPT OF PROCEEDINGS

RACING AND DISCIPLINARY BOARD

MR JOHN DOHERTY, DEPUTY CHAIRMAN

MR KEVIN CARSON

EXTRACT OF PROCEEDINGS

MONIQUE BURNETT

DECISION

7 February 2018

Mr AMY GLIDE appeared on behalf of the HRV Stewards

Mr GLENN DOUGLAS appeared on behalf of MONIQUE BURNETT

This is the tribunal's deliberation in the matter of Monique Burnett. Charged with a breach of rule 163 (1) (A) (iii), it's an appeal from the stewards decision on the 26th of December 2017, where she's pleaded not guilty to the alleged breach.

We are the view that, we are not satisfied at the critical point that we've spoken about in relation to this race that either Nathan Jack or Brian Gath's horse has shifted out in the way it's been suggested. We are certain however that Monique Burnett's Horse did come down a little on Gath's horse as Gath explained in the original statement to the stewards and there has been a contribution to interference, albeit in the low range. Our examination of the replay leads us to believe, that in fact, Jack' Horse ended up, because of the interference, on the inside marker pegs, as well as the interference that was caused to Gath's horse and also I guess the admission made by Ms Burnett, when she was originally spoken to by the stewards on the day, on the night, about her admission because she was driving a green horse which of course might have contributed to it as well, but the nub of her submission day is rejected by us today so the charge is sustained.

We're still of the opinion there should be a suspension suffered but we're prepared to change it, reduce it. Largely because of a recent good driving record, that's got to be acknowledged. It is low range interference, non-

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deliberate, relatively inexperienced, certainly at that track. Although we've said that Brian Gath, that his horse may not have shifted out at that critical moment, it is to the point that he did say, really in support of yourself, at the time, that his horse may have contributed as well. He's not here, and we're not here to judge him, although we don't say that his horse shifted out in a way that you might say that it did. Our view it should be that the suspension should be reduced to 7 days.

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