

# **Media Release**

## **Racing Appeals & Disciplinary Board**

Result of appeals held before the HRV Racing Appeals and Disciplinary Board on 4 March 2015.

### **Lance Justice**

Against a 3 week suspension imposed by the stewards under Rule 149(2) at Tabcorp Park Melton on 18 February 2015.

### **Appeal upheld.**

HRV RAD Board Panel: Brian Collis QC (Chairman), John Denahy

Appellant Representative: Self

HRV Representative: Kylie Harrison

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# **TRANSCRIPT OF PROCEEDINGS**

## **RACING AND DISCIPLINARY BOARD**

**BRIAN COLLIS QC, Chairman**

**MR JOHN DENAHY**

## **EXTRACT OF PROCEEDINGS**

**LANCE JUSTICE**

## **DECISION**

**WEDNESDAY 4 MARCH 2015**

**MS K HARRISON appeared on behalf of the HRV Stewards**

**MR JUSTICE appeared on his own behalf**

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The Board has considered the evidence given at the harness racing stewards inquiry held on the 18<sup>th</sup> of February of this year and the video footage of the race in question and the submissions of each of the parties this day. Mr Justice is a very experienced trainer and driver and he has trained this particular horse insofar as the horse's form is relevant since approximately 2013 when it was brought over from New Zealand and it is clear from its record that it demonstrated good form in the early part of last year. We accept that the horse then suffered some sort of injury and eventually was put out for a spell for approximately six months and this was its third run back from a spell. Mr Justice has given evidence that the horse had trained well and he had the view of the horse from what he had known it and he had driven it on a number of occasions including one of the occasions which it won, is that it was strong horse and it just lacked high speed. He gave evidence at the inquiry that he believed the horse could win this particular race because of its previous performances and its training before this race. Mr Justice said he drove the horse believing that he could win the race and drove it to win the race. Unfortunately he said that he got caught three wide as sometimes happens in the course of races but nonetheless he thought that the best chance for him to win was to persist with his forward

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maneuver and it was only when the horse commenced to lug in that he realised it wasn't going to win the race and therefore he virtually pulled it out of the race and it finished last. The stewards view is that in persisting with that run in those circumstances for as long as he did he ought to have been aware of the fact that he was not going to obtain the lead that he should have given the horse some respite. We have two firmly held opinions as to the tactics adopted in this particular case and we accept that they are firmly held opinions. The thing that we have to come to the conclusion about the matter is that the rule does not permit the mere substitution of a stewards view as to how a particular horse should have been driven for a tactic to be unacceptable within the meaning of Rule 149(2) it has got to be more than a mere error of judgment, that it has to be a culpable error in that objectively judged it must be blameworthy. So we have to be satisfied on the balance of probabilities for the steward to hold the opinion that they have and that that accords to a breach of this particular rule it must be a culpable or blameworthy error. In this situation we are satisfied that if there was an error we're not satisfied that it was blameworthy within the meaning of the rule and therefore we allow the appeal.

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