

Media Release

Racing Appeals & Disciplinary Board

Result of the appeals held before the HRV Racing Appeals and Disciplinary Board on 7 October 2015.

Rodney Petroff

Against a 4 week suspension imposed by the stewards under Rule 149(1) at the Kilmore meeting on 10 September 2015.

Appeal against conviction withdrawn. Penalty varied to 3 weeks.

HRV RAD Board Panel: Brian Collis QC (Chairman), Rod Osborne

Appellant Representative: Lance Justice
HRV Representative: Amy Glide

Michelle Wight

Against a 3 week suspension imposed by the stewards under Rule 149(2) from the Melton meeting on 7th August 2015.

Appeal Upheld.

HRV RAD Board Panel: Brian Collis QC (Chairman), Rod Osborne

Appellant Representative: Self
HRV Representative: Shane Larkins

TRANSCRIPT OF PROCEEDINGS

RACING AND DISCIPLINARY BOARD

BRIAN COLLIS QC, Chairman

MR ROD OSBORNE

EXTRACT OF PROCEEDINGS

RODNEY PETROFF

DECISION FOR PENALTY

WEDNESDAY 07 OCTOBER 2015

MS AMY GLIDE appeared on behalf of the HRV Stewards

MR LANCE JUSTICE appeared on behalf of Mr PETROFF

The Board has considered the evidence given at the stewards inquiry on the 10th of September of this year, the video footage of the race and the evidence and submissions made by each of the parties this day. Mr Petroff has been driving for some 18 years. He is a very experienced driver who drives regularly 20 – 25 times per week and driving's about 95 percent of his income. He has an excellent record with respect to this particular rule. The previous breach was in 2008 some seven years ago and that record speaks for itself. He has now accepted responsibility for his error and although he pleaded not guilty at the stewards hearing, it is to his credit that he has pleaded guilty today and he will get the benefit of that. Having missed the start this horse was never going to win the race but the error was that he wasn't driven to obtain the best possible placing. We find that the degree of culpability in this case was mild however there has to be consistency with regard to penalties handed down for this particular rule and in the main they range from 3 weeks upwards and in all the circumstances we allow the appeal with respect to penalty. We substitute a penalty of 3 weeks commencing at midnight on Friday the 9th of October 2015.

TRANSCRIPT OF PROCEEDINGS

RACING AND DISCIPLINARY BOARD

BRIAN COLLIS QC, Chairman

MR ROD OSBORNE

EXTRACT OF PROCEEDINGS

MICHELLE WIGHT

DECISION

WEDNESDAY 07 OCTOBER 2015

MR SHANE LARKINS appeared on behalf of the HRV Stewards

MS WIGHT appeared on her own behalf

The Board has considered the evidence given at the inquiry of the stewards on the 7th August 2015 and 1st September 2015. We've considered the video footage of a number of races including the race at Tabcorp Park Melton on the 7th August 2015 which was a 1720m race and which we accept that Ms Wight told the stewards that her horse would be driven in a forward manner. The video footage of the previous race at Terang which was the race over 2180m when the horse finished 3rd and she advised the stewards that she would be restraining the horse back, the video footage of a race at Ballarat on the 18th of July 2015 where the horse pulled hard, choked down and was taken out of the race. Following that it was stood down subject to trialling satisfactory. Shown the video footage of a race at Maryborough on the 4th December 2014 which the horse won and a race at Bendigo on the 9th October 2014 where I think it finished in the placings. We were also advised that on the four occasions that the horse has won for Ms Wight at Ararat, Bendigo, Maryborough and not too sure of the other one but the horse has demonstrated an ability to be competitive when racing head to head with the leading horse. Against that Mr Larkins has pointed out that from his observations of the video footage of the race in question that in particularly at the race at Maryborough and the one at Bendigo on the 9th October 2014 that the challenge or racing head to head with the leading horse was over a brief period of time. We've also considered the submissions of each of the parties these

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.

days. We note the comments of Judge Williams in the matter of Mifsud which was handed down on the 26th June 2007 and he is dealing with rule 149(2). The rule in question is as I have stated a person shall not drive in a manner in which in the opinion of the stewards is unacceptable. The rule is not intended to penalise what might be described as mere errors of judgement of split second mistakes. The tribunal is well aware of the authority constituted by the previous decision in 1983 by Judge Goran in the case of Honan where it was thought desirable to bring into focus the sort of considerations that lie behind rules such as Rule 149(1) and (2) and Judge Goran made a number of observations that is certainly relevant to restate he that the first, second and fourth of those observations that he made apply, I will read those:

"The rule does not permit the mere substitution of the stewards view as to how a particular horse shall be driven, the rule does not seek to punish a mere error of judgement during the race on the part of the driver and the drivers conduct must be culpable in the sense that it is objectively judged that is found to be blameworthy".

Perhaps to throw my own interpretation into the mix I might view it this way. That the sort of culpable action that is required to amount to a breach of this rule might be such that in normal circumstances that a reasonable and knowledgeable harness racing spectator might be expected to explain with the words to the effect "What on earth is he doing or my goodness look at that or some such explanation". In this particular race which is race 9 at Tabcorp Park Melton on the 7th August 2015, the stewards say that in the race the driving tactics were unacceptable in that Ms Wight should have given her horse some restraint and they point in particular the comments of Judge Williams in the matter of Daryl Douglas handed down on the 18th May 2009 i.e. *the tribunal is of the view that if restraint is called upon for a properly rated run to give its horse its best reasonable opportunity then that restraint must be exercised and in not restraining the horse they say that that was an unacceptable tactic*. In opposition to that, Ms Wight has said that she drove her horse competitively in accordance with what its performance had demonstrated in the past that it was able to race competitively in a head to head with the leader of a particular race. In order for this charge to be found guilty the opinion of the stewards must be held a reasonably held opinion that Mrs Wight drove in a blameworthy unacceptable manner. We're not so satisfied that she did on this occasion on the balance of probabilities and therefor the appeal is allowed and the conviction set aside.