

Media Release

Racing Appeals & Disciplinary Board

Result of appeals held before the HRV Racing Appeals and Disciplinary Board on 7 December 2016.

Laura Crossland

Against a 3 week suspension imposed by the stewards under Rule 163(1)(a) at Shepparton on 15 November 2016.

Appeal dismissed.

HRV RAD Board Panel: Tony Burns (Chairman), Kevin Carson

Appellant Representative: Lance Justice
HRV Representative: Amy Glide

Alex Ashwood

Against a 4 week suspension imposed by the stewards under Rule 149(1) at Melton on 29 October 2016.

Appeal dismissed.

HRV RAD Board Panel: Tony Burns (Chairman), Kevin Carson

Appellant Representative: Lance Justice
HRV Representative: Shane Larkins

Tina Ridis

Against a 6 week suspension imposed by the stewards under Rule 149(1) at Bendigo on 13 October 2016.

Appeal dismissed. Penalty varied to 4 weeks.

HRV RAD Board Panel: Tony Burns (Chairman), Kevin Carson

Appellant Representative: Lance Justice

HRV Representative: Amy Glide

TRANSCRIPT OF PROCEEDINGS

RACING AND DISCIPLINARY BOARD

ANTHONY BURNS, Chairman

MR KEVIN CARSON

EXTRACT OF PROCEEDINGS

LAURA CROSSLAND

DECISION

WEDNESDAY 7 DECEMBER 2016

MS A GLIDE appeared on behalf of the HRV Stewards

MR LANCE JUSTICE appeared on behalf of Ms Crossland

Ms Crossland appeals the findings of the stewards on the 15th of November 2016 at Shepparton that she caused or contributed to interference contrary to Australian Rule of Harness Racing 163(1)(a)(iii). Whilst we are assisted by the submissions of Mr Justice on behalf of Miss Crossland we are also mindful of the evidence and transcript, that being the evidence of two stewards Ms Glide and Mr Larkins, the evidence of Mr Rose and indeed the vision as we have had the opportunity to watch here in the hearing room. We are confident that contact was made to the front legs of Mr Rose's drive as confirmed in his evidence. We note the terms of Rule 165 requires a driver not to cross in front of a horse without leaving a metre clear. It is clear that Ms Crossland has not allowed sufficient distance. She has crossed and contributed to the interference that was caused and we do not say it caused the horse to gallop but did require that the horse be retrained and in those circumstances we find the charge proven.

Penalty: Having considered the matter we are of the view that a first turn incident should be treated more seriously than other incidents because you have a number of horses converging on a similar point on the track. The most usual starting point for the stewards on a first turn incident is four weeks, this is we accept an incident where the level of interference was not great but it was not

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great because Mr Rose restrained his drive and made contact nonetheless. A consideration has been given in relation to a reduction of 25 per cent from the most usual course of action which is 4 weeks down to 3 weeks and we've got to say that given Ms Crossland's record with 18 breaches of this particular rule since 2001 and so many in the last 12 months that we think she was dealt with very fairly. In those circumstances we dismissed the appeal as to conviction and sentence and the penalty of 3 weeks stands.

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TRANSCRIPT OF PROCEEDINGS

RACING AND DISCIPLINARY BOARD

ANTHONY BURNS, Chairman

MR KEVIN CARSON

EXTRACT OF PROCEEDINGS

ALEX ASHWOOD

DECISION

WEDNESDAY 7 DECEMBER 2016

Mr S LARKINS appeared on behalf of the HRV Stewards

MR LANCE JUSTICE appeared on behalf of Mr Ashwood

Mr Ashwood appeals the decision of the stewards at Melton on the 29th of October 2016, that he breached Rule 149(1) in that he failed to take all reasonable and permissible measures to ensure the best possible placing in the field for his drive. We see from the vision Mr Ashwood moved three wide without cover in a race over 2240 metres. He attempted to move into the one out position where it quickly became apparent that the horse in the one out position was not about to hand up that position. Had he restrained and moved back after it became apparent it might only have been a mere error of judgment but to hold that clearly unobtainable position for over two furlongs was in the words of Judge Goran in the New South Wales Trotting Appeals Tribunal in Honan, so culpable as to be blameworthy. We are also comforted by the observations and opinion of experienced racing stewards Mr Larkins and Mr Delaney and in all the circumstances we find the charge proven.

Penalty: In terms of penalty we are minded and somewhat impressed by an excellent record from a young driver and note that there was no similar offending. At the same time we have to balance that with the fact that he is an A grade driver. This is a race at Tabcorp Park Melton and the two other horses is clear from our perspective that the chances of two others were adversely affected by

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the culpable driving of Mr Ashwood in the circumstances. Whilst we have some sympathy for his position and we certainly would have been recommending a lesser penalty had it been a plea of guilty but in the circumstances no such discount can be available and we support the suspension already imposed by the stewards so it will remain at four weeks.

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TRANSCRIPT OF PROCEEDINGS

RACING AND DISCIPLINARY BOARD

ANTHONY BURNS, Chairman

MR KEVIN CARSON

EXTRACT OF PROCEEDINGS

TINA RIDIS

DECISION

WEDNESDAY 7 DECEMBER 2016

MS A GLIDE appeared on behalf of the HRV Stewards

MR LANCE JUSTICE appeared on behalf of Mr Ashwood

Ms Ridis appeals the decision of the stewards at Bendigo on the 13th of October 2016, that she breached Rule 149(1). Whilst we have some sympathy for the position that Ms Ridis found herself in we find ultimately that she tried to maintain an untenable position. We accept that she looked early on to find a place in the running line but she held that position three wide for in excess of 3 furlongs and under real pressure for over 1 furlong. We find that it is more than a mere error of judgment and again as in the words of Judge Goran in the New South Wales Trotting Appeals Tribunal in Honan, her decision was so culpable as to be blameworthy. In all the circumstances we find the charge proven. But we do have some sympathy for the position that she found herself early on, that is in the context of the submission by Mr Justice that she didn't move to that position, she settled in that position at the beginning.

Penalty: We agree with Ms Glide that one of the key factors for consideration of this Board is consistency. We note that Ms Ridis does have three priors however, what the stewards have given here as a penalty is the highest amount of any of those three in the past. The High Court of Australia in a case called Veen has said that priors do not simply equate to a mathematical increase prior upon prior, each case needs to be determined on its merits. So it's the seriousness of the circumstances that prevail in any particular case, not whether there are priors.

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Indeed the High Court has said in numerous authorities that priors of themselves never increase the penalty all they mean is that you might not have the benefit of a discounted penalty for having no priors. In the last case the matter of Ashwood four weeks was the penalty in circumstances where it was a city race at Melton where two horse's chances were severely affected. Here we have some sympathy for Ms Ridis' position because she settled in a racing position very early on and it was clear from the transcript that she did look to the inside and try to get a position in the running line. Clearly the charge is made out, we say she should have restrained and gone to the back of the field but we understand in a short race that also means that her chances might have been severely affected in any event. In all the circumstances we are minded to give a reduction in the penalty down to a suspension of 4 weeks.

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