

***Harness***  
**Racing Appeals & Disciplinary Board**

# Media Release

## Racing Appeals & Disciplinary Board

Result of the appeal held before the HRV Racing Appeals and Disciplinary Board on 19 February 2018.

**Derrick Krafft**

Against decision and 10 week suspension imposed by the stewards under Rule 168(1) (b) at Boort on 15 January 2018.

**Appeal as to decision dismissed. Penalty varied to 6 weeks.**

HRV RAD Board Panel: Alanna Duffy (Chairperson), Rod Osborne.

Appellant Representative: Lance Justice

HRV Representative: Shane Larkins

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.

# **TRANSCRIPT OF PROCEEDINGS**

## **RACING AND DISCIPLINARY BOARD**

**MS ALANNA DUFFY, Chairperson**

**MR ROD OSBORNE**

## **EXTRACT OF PROCEEDINGS**

**DERRICK KRAFFT**

**DECISION**

**19 February 2018**

**Mr SHANE LARKINS appeared on behalf of the HRV Stewards**

**Mr LANCE JUSTICE appeared on behalf of Derrick Krafft**

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We have taken into account the replay footage, the evidence on the transcript and the evidence that's been put to us this morning and of course the submissions of Mr Justice on behalf of Mr Krafft and the submissions of Mr Larkins on behalf of the stewards. We've also given some thought to the definition of careless and reckless and essentially the differences between those, and had reference to the Oxford dictionary definitions, which I'll just read out for clarity. Starting with careless, the dictionary defines that as not giving sufficient attention or thought to avoiding harm or errors. Reckless is defined as heedless of danger or the consequences of one's actions.

In our view, those definitions are really different degrees of the same type of conduct. In this case though, we think that Mr Krafft has made a significant error of judgement in the course of the drive, in relation to the specific incident causing a relatively high degree of interference, regardless of whether there was contact or not. I should indicate, we are not prepared to make a finding that there was contact and we will not do that, but we do think that in this case the charge falls properly into the realms of reckless driving.

We have taken into account the submissions on behalf of both parties and the minimum penalty guidelines. Again, I'll say on the record that we note that they are guidelines and are not prescriptive but nevertheless we obviously take them into account. We've also taken into account the need for specific and general deterrence. The charge of reckless driving is a relatively serious matter but in the

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circumstances of this case, we think that the appropriate penalty is a six week suspension. Our reasons for that are that we think that there should be a reasonably substantial discount for the guilty plea by Mr Krafft; further discount for his good driving record and I should have said as well, his co-operation with the stewards during the enquiry. The third factor that we've taken into account is that we think that the conduct was at the lower end of the scale of recklessness.

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