

Media Release

Racing Appeals & Disciplinary Board

Result of appeals held before the HRV Racing Appeals and Disciplinary Board on 14 December 2016.

Josh Aiken

Against a 6 week suspension imposed by the stewards under Rule 149(1) at Tabcorp Park Melton on 5 November 2016.

Appeal upheld.

HRV RAD Board Panel: Tony Burns (Chairman), Brian Pearce

Appellant Representative: Self

HRV Representative: Nicholas Murray

Rodney Petroff

Against a \$2000 fine (\$1000 suspended for 2 years) imposed by the stewards under Rule 44(3) at Tabcorp Park Melton on 8 October 2016.

Appeal dismissed. Penalty varied to \$1500 (\$750 suspended for 1 year)

HRV RAD Board Panel: Tony Burns (Chairman), Brian Pearce

Appellant Representative: John Hallam

HRV Representative: Nicholas Murray

TRANSCRIPT OF PROCEEDINGS

RACING AND DISCIPLINARY BOARD

ANTHONY BURNS, Chairman

MR BRIAN PEARCE

EXTRACT OF PROCEEDINGS

JOSH AIKEN

DECISION

WEDNESDAY 14 DECEMBER 2016

Mr N MURRAY appeared on behalf of the HRV Stewards

MR AIKEN appeared on his own behalf

Mr Aiken appeals the decision of the Stewards to find he breached ARHR 149(1) on 5 November 2016 at Melton. Mr Aiken, driving the favourite, finished in 2nd placing in circumstances where the stewards assert he should have maintained a trail four wide around 400 metres from the finish line to move five wide into the straight for a clear run home. This had in fact been the horse's recent racing pattern in two of its last three starts.

Instead Mr Aiken moved down the track to a position behind the second favourite – three out from the pegs. Whilst this seems to be an odd decision it was made by Mr Aiken on the basis that he perceived the horse was racing roughly and moving his head around. Stewards agree this did occur momentarily as well. Mr Aiken's evidence was that he recognised the horse's behaviour to be a precursor to it breaking into a gallop.

Indeed the horse had broken or behaved badly in 10 of its last 17 starts whilst it had won only two of its last 17 stats after being a most promising 2 year-old.

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.

Mr Aiken has driven this horse in all but two of its 32 starts and it is reasonable to presume that no one knows it better. To find the charge proven we would need to be able to comfortably reject his evidence that he perceived the horse was about to gallop.

Here given the horse's recent history and the other races shown to us I am not comfortably satisfied that I can reject his evidence that he perceived his only chance to compete was to keep the horse trotting and believe moving down the track allowed that to occur. The tactic chosen may have been an error of judgment but I cannot be satisfied that it was so completely unreasonable as to be culpable or blameworthy as those expressions were used by Judge Goran in the New South Wales trotting appeal Tribunal case of Honan.

In all the circumstances I uphold the appeal and dismiss the charge.

TRANSCRIPT OF PROCEEDINGS

RACING AND DISCIPLINARY BOARD

ANTHONY BURNS, Chairman

MR BRIAN PEARCE

EXTRACT OF PROCEEDINGS

RODNEY PETROFF

DECISION

WEDNESDAY 14 DECEMBER 2016

Mr N MURRAY appeared on behalf of the HRV Stewards

MR JOHN HALLAM appeared on behalf of Mr PETROFF

Mr Petroff appeals the decision of the Stewards that on 8 October 2016 he failed to drive in accordance with the change in racing tactics as had been notified by the trainer Mr Vallelonga and so breached ARHR 44(3).

Here in our view having been shown this horse's recent racing pattern we can see no differences between that and its drive on 8 October 2016. Mr Hallam asserts on Mr Petroff's behalf that he drove less aggressively in accordance with the notified change. This, if true, must be an extraordinary coincidence as he told the stewards he was not made aware of the intended change. To that end he also missed the driver's notice board and on-course announcements.

We are comfortably satisfied that the horse was driven in its usual manner and not in accordance with the reported and publicised change of tactics. Accordingly we find the charge proven.