

DARYL DOUGLAS MATTER 63/2016
13 February 2017

After the conclusion of the hearing in relation to Mr Douglas on 13 February 2017, the Board was satisfied that the elements of charges 1, 2 and 4 were made out. We declined to formally find the matter proven because we could not be satisfied that we had jurisdiction to penalize Mr Douglas, given he is a person who is no longer licensed or serving any Racing related disposition.

Mr Douglas cited and relied upon the Clements RVL Appeal decision from VCAT in 2010 where that Tribunal held that as an unlicensed person, Mr Clements was not amenable to the RVL rules.

That submission initially found favour with the Board. On further research two things have become apparent.

1. HRV has the benefit of ARHR 299. This rule provides:

Rule 299

All persons

- a) Licensed under these Rules;
- b) *Carrying on or purporting to carry on activities related to the harness racing industry*
- c) who in some way are affected by the rules
- d) are deemed to have knowledge of and be bound by them and of all things done under them.

And-

2. At the time of the Clements appeal RVL did not have a similar rule.

Accordingly the Clements decision does not have the force the Board took it to at the hearing. Further it is clear despite the Board's uncertainty, that 299. (b) does make Mr Douglas, albeit now unlicensed, amenable to the rules (and therefore their jurisdiction to penalize) when found attending to horses at a registered Harness Racing Training facility.

In those circumstances, the Board recalls its previous decision for reconsideration pursuant to VLR 51(1)(c).

Mr Douglas and the Stewards were entitled to (but are not required to) submit in writing as to any matter they see relevant.

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In the absence of further submission by 3pm on Thursday 16th of February 2017, the following order of the Board will become effective at 4pm that day.

Order:- The Board is comfortably satisfied that charges 1, 2 and 4 are made out against Mr Douglas. He will be disqualified from involvement in Harness Racing for the period of 12 months.

Anthony Burns
CHAIRMAN – HRV RAD BOARD

John Denahy
MEMBER – HRV RAD BOARD

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