

RACING APPEALS TRIBUNAL

RAT 5/2019

DATE OF HEARING: 7 June 2019

TRIBUNAL: PRESIDENT: MR T ANDERSON, QC

CHAIRMAN OF STEWARDS, HARNESS RACING SA LTD:
MR S EWEN

APPELLANT: MR RODNEY PETROFF

IN THE MATTER of an Appeal by **MR RODNEY PETROFF** against a decision of Harness Racing SA Ltd Stewards.

BREACH OF RULE: AHR Rule 163(1)(a)(iii) which states:

A driver shall not cause or contribute to any ... interference.

PENALTY: Suspended from driving for a period of 10 days.

DETERMINATION

Mr Rodney Petroff appeals against a decision of the Stewards of Harness Racing South Australia made on 30 March 2019.

On that date he was suspended from driving and his licence suspended for 10 days for causing interference contrary to Rule 163(1)(a)(iii).

He is appealing against both the conviction and the severity of the penalty.

The incident giving rise to the suspension occurred in Race 1 at Globe Derby Park on 30 March 2019. Mr Petroff was driving BARRANJOEY, and Mr Borg was driving EMERGING ART.

After hearing evidence from both drivers, the Stewards charged Mr Petroff.

The particulars of the charge were that, *'at Globe Derby on 30 March in Race 1, Mr Petroff, being the driver of BARRANJOEY, did cause interference when crossing from a three-wide line to a running line position when insufficiently clear of Mr Borg, causing that horse to be contacted and break gait'*.

Mr Petroff pleaded not guilty.

The Stewards heard evidence from him and Mr Borg and viewed the vision of the incident. The Stewards determined that the vision of the incident clearly showed that their allegations were correct, and I agree that they were. In my view, the vision establishes that Mr Petroff did cause interference with Mr Borg's horse. He crossed when insufficiently clear, as alleged, and caused interference such that Mr Borg's horse broke gait.

In the appeal, Mr Petroff submitted that the horse driven by Mr Borg contributed just as much as he did to the incident. In my view the vision does not support this. The fact is that Mr Borg was entitled to hold his position, and it was Mr Petroff who commenced to come into his line. It appears from the vision that Mr Petroff did, in leaning to his left in the sulky, touch Mr Borg's horse, and if he didn't, he went within millimetres. Whatever the case, he had obviously affected Mr Borg's horse, and it broke gait at that stage.

Therefore, in my view, there is no merit in the arguments that have been put forward by Mr Petroff, and I uphold the conviction.

In relation to penalty, the Stewards used the guidelines and started with the lowest penalty possible for this type of offence, namely 28 days. They considered that there were no aggravating circumstances, and because of Mr Petroff's good driving record, they took 14 days off, and then they took another four days off for the circumstances of the incident.

That came down to a penalty of 10 days' suspension. I find it difficult to see how the Stewards could have been any more lenient, and I uphold their decision on penalty. Therefore, the appeal on both conviction and penalty is dismissed.

This is a clear case of interference with a very low penalty imposed, and in my view the appeal did not have much chance of success on the evidence that was available.

Therefore, I am not prepared to refund all of the bond paid by Mr Petroff when he lodged the appeal. The amount of \$250 is the maximum amount repayable to an appellant. I will, in the circumstances, order the refund \$100 of the bond.