

Media Release

Racing Appeals & Disciplinary Board

Result of the appeals held before the HRV Racing Appeals and Disciplinary Board on 1 April 2016.

Derrick Krafft

Against a 4 week suspension imposed by the stewards under Rule 149(1) at the Kilmore meeting on 3 March 2016.

Appeal upheld

HRV RAD Board Panel: Brian Collis QC (Chairman), Rod Osborne

Appellant Representative: Lance Justice
HRV Representative: Mark Hill

Tommy Hill

Against a 6 week suspension and 10 trials imposed by the stewards under Rule 168(1)(c) at the Melton meeting on 18 March 2016.

Appeal dismissed.

HRV RAD Board Panel: Brian Collis QC (Chairman), Rod Osborne

Appellant Representative: Self
HRV Representative: Barry Delaney

TRANSCRIPT OF PROCEEDINGS

RACING AND DISCIPLINARY BOARD

BRIAN COLLIS QC, Chairman

MR ROD OSBORNE

EXTRACT OF PROCEEDINGS

DERRICK KRAFFT

DECISION

1 APRIL 2016

Mr M HILL appeared on behalf of the HRV Stewards

MR JUSTICE appeared on behalf of Mr Krafft

The Board has considered the evidence given at the stewards inquiry held on the 3rd of March, the video footage of the race in question and the evidence and submissions of each of the parties this day. We are mindful of the statements of Judge Goran in the matter of Honan decision handed down on the 26th of October 1983 and been followed ever since with respect of this rule. The rule does not permit the mere substitution of the stewards view as to how a particular horse should be driven, the rule does not seek to punish a mere error of judgment, the rule attempts to ensure not merely that a horse has a winning chance in a race but that given its inability to win it will still do the best it can in the circumstances. The rule demands that the measures of the driver must be reasonable and permissible. The unreasonableness of a driver's tactic must be culpable, that is blameworthy and that the driver carries with him the weight of public money and the reputation of his sport. We are also mindful of that fact that Mr Krafft is obviously an experienced driver and that each case turns on its own particular facts. This was a 1690m race. Mr Krafft's horse has started from the front line towards the outside. In the initial stages of the race he was caught in a three wide position and then he pulled back and the criticism is that the race having reached the 1200m if he had have continued to pull back a further length

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or so he would have given his horse some respite and able to drive in a position on the peg line or the one out position. In not electing to do that but then electing to drive forward if this is an error the Board is not satisfied on the balance of probabilities that it is a culpable or blameworthy error within the meaning of this rule and notwithstanding the fact that Mr Krafft did initially plead guilty to the charge virtually in the next line he said he didn't believe he was guilty, we are prepared to allow the appeal and set aside the conviction.

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TRANSCRIPT OF PROCEEDINGS

RACING AND DISCIPLINARY BOARD

BRIAN COLLIS QC, Chairman

MR ROD OSBORNE

EXTRACT OF PROCEEDINGS

TOMMY HILL

DECISION

1 APRIL 2016

Mr B DELANEY appeared on behalf of the HRV Stewards

MR HILL appeared on his own behalf

The Board has considered the evidence given at the stewards inquiry held on the 18th of March, the video footage of the race in question and the evidence and submissions of each of the parties this day. We note that Mr Hill has pleaded guilty, that it was his 15th drive in a race and to that extent he is a relatively inexperienced driver but what occurred in the course of this race is that he locked wheels with his sulky and that of Mr Petroff rounding the first turn. He said he wasn't aware of it initially and even if he had have been aware of it he had never been taught exactly what to do in his training how to unlock the wheels. So in that circumstance he drove forward, as the stewards say, in a vigorous way for at least 300m and this is the complete opposite of which should have occurred to have the wheels unlocked. It was clearly a dangerous situation for other drivers and horses in this race and in particular for him and Mr Petroff. Furthermore both horses as a result of this incident were not competitive in the race and in those circumstances we feel that the penalty imposed in this case is a reasonable one.