

6 February 2020

## **DECISION**

### **GREYHOUND RACING VICTORIA**

**and**

### **MS ALISON CHISHOLM**

<b>Date of hearing:</b>	4 February 2020
<b>Panel:</b>	Judge John Bowman (Chairperson), Judge Graeme Hicks (Deputy Chairperson) and Hon. Marilyn Harbison.
<b>Appearances:</b>	Mr Shane Larkins appeared on behalf of the Stewards. Mr Adrian Caramia represented Ms Chisholm.
<b>Charge:</b>	Australian Harness Racing Rule 168(1)(e) states "A person shall not before, during or after a race drive in a manner which is in the opinion of the Stewards: improper.
<b>Particulars of charge:</b>	Alison Chisholm, driver of Itsokbeingbetter NZ, was found guilty of a charge under Rule 168(1)(e) for improper driving in that shortly after straightening and releasing the removable deafeners, she used the whip with a prodding action. In assessing penalty Stewards took into account Ms Chisholm's good prior record under this rule of approximately 25 years however were mindful of the seriousness of the charge of improper driving and the circumstances of the rule breach. Stewards accordingly imposed a fine of \$500.
<b>Plea:</b>	Not Guilty

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## **DECISION**

Ms Alison Chisholm, you have been charged with a breach of Rule 168(1)(e). It is alleged by stewards that you drove in a manner which was improper. The charge is based upon a breach of Rule 156 concerning whip use. The basis is allegedly that you used the whip in an inappropriate manner. The approved manner is that set out in Rule 156(2) – essentially a flicking motion. The charge arises out of your drive of Itsokbeingbetter in race 6 at Cranbourne on Saturday 16 November 2019. You pleaded "not guilty" to the charge when you were interviewed by the stewards on that date. They found the charge proven and fined you \$500.

You are appealing against that decision and, of course, your appeal is conducted by way of a re-hearing.

We have viewed the video many times, including the video taken from the back straight. We are of the opinion, that, starting from turning for home on the last occasion and when your horse was challenging for the lead, for several strides you did not use the flicking motion described in Rule 156(2). You were using what could be described as a back and forth lever action, holding the whip in your right hand. We are not convinced that you were using a legal method of whip use for both the right and left sides of the horse. We are comfortably satisfied that, as stated, you were using a lever type, back and forth, action with your right hand and arm.

The bottom line is that this is a breach of Rule 156(2) and (3). It is an unapproved manner of whip use. We can understand you are upset and distressed at being charged with improper conduct. However, the wording of Rule 168(1)(e) is broad enough to encompass a breach of Rule 156(2) and (3). Rule 168 is a type of umbrella or catch all provision.

The ultimate position is that we find the charge proven and we will hear the parties on the question of penalty.

## **PENALTY**

We note that there was no real challenge to the suggested penalty of a \$500 fine. You have stated you were here to battle the conviction, rather than the penalty. Bearing in mind your excellent record and the references put before us, we will not be increasing the fine, but we are of the view that the stewards fine of \$500 should stand.

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Mark Howard  
Registrar, Victorian Racing Tribunal