22 February 2023

**DECISION**

**HARNESS RACING VICTORIA**

**and**

**BRADLEY WILLIAMSON**

**Date of hearing:** 21 February 2023

**Panel:** Judge John Bowman (Chairperson) and Dr Andrew Gould.

**Appearances:** Mr Nicholas Murray appeared on behalf of the Stewards.

Mr Anthony Butt represented Mr Bradley Williamson.

**Charge:** Australian Harness Racing Rule (“AHRR”) 149(2) states:

(2) A person shall not drive in a manner which in the opinion of the Stewards is unacceptable.

**Particulars of charge:** The particulars of the charge being that after improving to the outside of Rockinwithattitude (Jayden Barker) near the 1800m and initiating a challenge for the lead, Mr Williamson persisted with that challenge from that point until resisting with that challenge approaching the 1500m, when it was apparent Rockinwithattitude (Jayden Barker) was showing no inclination to relinquish the lead. Stewards considered that the driving tactics adopted by Brad Williamson (Aroha Kenny NZ) during the relevant section were unacceptable contributing to a quick lead time of 42.9 seconds and his failure to give the filly sufficient respite sooner was the main contributing factor in Aroha Kenny NZ giving ground to finish in 8th position beaten approximately 35m. After Mr Williamson requested to provide further evidence in relation to the charge, the matter was adjourned to be reconvened on Wednesday 23 November 2022. A veterinary and endoscopic examination of Aroha Kenny NZ revealed no significant findings.

On Wednesday, 23 November 2022, HRV Stewards finalised an inquiry concerning the driving tactics adopted by Brad Williamson on Aroha Kenny NZ, in Race 2 at Tabcorp Park Melton on Saturday, 19 November 2022, the Aldebaran Park Breeders Crown Series 25 (2YO Trotting Fillies) Final (Group 1).

After giving consideration to all of the evidence presented, Brad Williamson, driver of Aroha Kenny NZ was found guilty of a charge under Rule 149(2) which states: A person shall not drive in a manner which in the opinion of the Stewards is unacceptable. The particulars of the charge being that after improving to the outside of Rockinwithattitude (Jayden Barker) near the 1800m and initiating a challenge for the lead, Mr Williamson persisted with that challenge from that point until resisting with that challenge approaching the 1500m, when it was apparent Rockinwithattitude (Jayden Barker) was showing no inclination to relinquish the lead. Stewards considered that the driving tactics adopted by Brad Williamson (Aroha Kenny NZ) during the relevant section were unacceptable contributing to a quick lead time of 42.9 seconds and his failure to give the filly sufficient respite sooner was the main contributing factor in Aroha Kenny NZ giving ground to finish in 8th position beaten approximately 35m.

In accordance with the HRV Minimum Penalty Guidelines, Stewards took into account the relevant considerations:

* That the degree of culpability was assessed to be in the mid-range, in that the driving tactics occurred over a considerable distance when the speed of the race was quick, reflective in the fast lead time recorded (42.9 seconds) and the stewards ultimately determined that the tactics employed had a detrimental effect on the performance and chances of Aroha Kenny NZ in the event.
* The driving frequency of Mr Williamson in that he has competed in more than 4000 races as a driver.
* The overall good record of Mr Williamson in relation to similar matters however, noting a similar offence at Invercargill in February 2022.
* The feature race status of this event being a Group 1 race of $100k in stakemoney and that as publicised, penalties in such races usually carry a higher penalty.

In all the circumstances, Mr Williamson’s licence to drive in races was suspended for five (5) weeks to commence midnight Saturday, 3 December 2022.

Stewards ordered that this penalty is to be served cumulatively with the two (2) week suspension incurred under the provisions of rule 165(1)(b) from the same race.

**Plea:** Guilty

**DECISION**

Mr Bradley Williamson, you are appealing in relation to a breach of Rule 149(2), which could be summarised as driving in an unacceptable manner. It relates to your drive of Aroha Kenny in Race 2 at Melton on 19 November 2022. Following an inquiry, the Stewards suspended you for a period of 5 weeks. You have appealed in relation to this decision.

Very sensibly, the parties have now come to an agreement relating to the disposition of this appeal. Of course, the final decision is one for Dr Gould and myself. When the parties have agreed on the disposition of an appeal, it would be very unusual for this Tribunal not to impose the agreed penalty or result. However, the ultimate decision is that of the Tribunal.

In this case, we have no problem with the mutually proposed result – that is, the upholding of the appeal and the varying of the penalty to one of 4 weeks suspension. We thank Mr Murray who appeared on behalf of the Stewards and Mr Butt, who is assisting you, Mr Williamson. We congratulate you on the very sensible approach adopted.

In summary, the appeal is upheld, and the penalty is varied to one of 4 weeks suspension, commencing at midnight on Saturday, 4 March 2022.

Mark Howard
Registrar, Victorian Racing Tribunal