30 March 2023

**DECISION**

**HARNESS RACING VICTORIA**

**and**

**CONNOR RONAN**

**Date of hearing:** 16 March 2023

**Panel:** Judge John Bowman (Chairperson) and Ms Maree Payne.

**Appearances:** Mr Adrian Crowther appeared on behalf of the Stewards.

Mr Dean Goodridge represented Mr Connor Ronan.

Mr Connor Ronan appeared as a witness.

Mr Darren Pace appeared as a witness.

**Charge:** Australian Harness Racing Rule (“AHRR”) 168(1)(a) states:

A person shall not before, during or after a race drive in a manner which is in the opinion of the Stewards:-

1. careless.

**Particulars of charge:** Connor Ronan (“Lester”) was found guilty of a charge under Rule 168(1)(a) for careless driving. The particulars of the charge being that Mr Ronan was careless in that he allowed Lester to race forward and contact the right sulky wheel of “Tallaras Shadow” on a number of occasions resulting in Lester galloping and causing interference to “Miyagi Boy” which was trailing. Miyagi Boy also galloped as a result. Mr Ronan’s license to drive in races was suspended for a period of seven days. In assessing penalty Stewards took into consideration the HRV minimum penalty guidelines in relation to this Rule, the degree of carelessness which was deemed mid to high range given both Lester and Miyagi Boy were checked and galloped, Mr Ronan’s not guilty plea and the racing manners of Lester.

**Plea:** Not Guilty

**DECISION**

Mr Connor Ronan, you are appealing against the decision of the Stewards that you were guilty of a breach of Australian Harness Racing Rule (“AHRR”) 168(1)(a) in Race 9 at Ballarat on 7 December 2022. That Rule relates to careless driving. In that race, you were driving “Lester”. The other horse principally involved was “Tallaras Shadow”, driven by Mr Jason Ainsworth. Also involved was “Miyagi Boy”, driven by Mr Darren Pace. Ultimately, Tallaras Shadow won the race. Your horse, Lester, ran second, beaten 6.4 metres. Miyagi Boy ran third, beaten 11.7 metres. The distance of the race was 1710 metres.

After the race, there were protests. You protested, second against first, on the basis of interference in the back straight on the final occasion. Mr Pace protested, third against first, essentially in relation to the same incident. There was no protest, third against second, either by Mr Pace or by the Stewards. The Stewards dismissed both protests and ultimately charged you with careless driving.

We have viewed the video material many times and had our attention drawn to the incident. It was an eight horse field. Prior to the incident, you were racing second last and one off the rails. Mr Ainsworth was driving the horse immediately ahead of you, also one off the rails. Mr Pace was in last place, with no horse to his immediate inside and effectively following you.

There is no dispute but that your horse was, and had been, over-racing. Shortly before the incident, it had twice made contact with the sulky of Mr Ainsworth. You were leaning a long way back in your sulky. You closed the small gap to Mr Ainsworth again in the back straight, and, for a few strides, despite your leaning well back in the sulky, your horse’s front legs were landing each side of Mr Ainsworth’s outer rear wheel. You then moved out. Mr Ainsworth noticeably turned his head to the outside as you moved up and appeared to make some hand contact with your horse in a pushing away motion.

At about the same time, your horse broke and caused interference to Mr Pace.

The Steward’s film does not give a completely clear picture of what happened, but we accept that your horse galloping was the result of the contact made by Mr Ainsworth. He noticeably turned his head and attempted to push your horse away. It galloped.

The evidence of Mr Pace is very useful. He claims that he had a good view of what transpired. Mr Ainsworth turned his head, leaned over, and pushed your horse, Lester, which broke, and fell back on his horse, causing it to break. At the time that this occurred, you were in the three wide lane and Mr Pace was following you.

It is worth noting that both you and Mr Pace protested against Mr Ainsworth. Mr Pace did not protest third against second, because he said that he had a clear view of what happened and considered that such a protest would fail. He protested third against first.

We would add that no protest, third against second, was lodged by the Stewards, although Mr Pace, who had done nothing wrong, was grossly interfered with by your horse. We would also add that we found Mr Pace to be a convincing witness.

When all of this is weighed up, we cannot be comfortably satisfied that the charge has been made out. Whilst your horse was not racing tractably and was giving you trouble, the immediate cause of what ensued was Mr Ainsworth turning his head, leaning over and making contact with your horse. We accept your evidence and that of Mr Pace.

In short, the appeal is upheld and the charge of careless driving is dismissed.

Kathleen Scully

Assistant Registrar, Victorian Racing Tribunal