31 March 2022

**DECISION**

**HARNESS RACING VICTORIA**

**and**

**RYAN DUFFY**

**Date of hearing:** 27 March 2023

**Panel:** Magistrate John Doherty (Deputy Chairperson) and Ms Maree Payne.

**Appearances:** Mr Grant Adams appeared on behalf of the Stewards.

Mr Ryan Duffy did not appear.

**Charge:** Australian Harness Racing Rule (“AHRR”) 165(1)(b) states:

(1)From the start through the first turn, and until reaching the next straight, a driver shall –

(b) not move the driver’s horse towards the inside running line unless the rear of the driver’s sulky is at least one metre clear of the extended front legs of the horse racing in the next position closer to the inside running line.

**Particulars of charge:** Ryan Duffy the driver of Icanmotor pleaded guilty to a charge under Rule 165(1)(b) for crossing down when not 1m clear of the extended front legs of Ears Ponder resulting in the above-mentioned interference. Mr Duffy had his licence to drive in races suspended for a period of 14 days which was ordered to commence at midnight, Saturday 24 December 2022 and to expire on Sunday 8 January 2023 on which day he may drive. When considering penalty Stewards took into account Mr Duffy’s guilty plea, offence and driving record in addition to the circumstances attached to this incident.

**Plea:** Guilty

**DECISION**

On 15 December 2022, registered harness racing driver Mr Ryan Duffy, drove “Icanmotor” in Race 9 at Maryborough. After the race, Harness Racing Victoria (“HRV”) Stewards held an inquiry into the race and subsequently charged Mr Duffy with a breach of Australian Harness Racing Rule (“AHRR”) 165(1)(b).

By consent, the HRV Stewards agreed that it is appropriate that the 14-day suspension issued against Mr Duffy under AHRR 165(1)(b) be altered to a 10-day suspension commencing midnight, Saturday 25 March 2023.

The statement of agreed facts is as follows:

1. Mr Duffy acknowledges he is in breach of AHRR 165(1)(b) as outlined by Stewards.
2. The Stewards consent that the level of interference be set at a low range.
3. The Stewards consent that the level of carelessness be set at a mid/low range.
4. Mr Duffy has a good record.
5. Mr Duffy’s subjective factors have also been considered.
6. Previous penalties issued by HRV Stewards have been considered.

The Tribunal agrees with the consent agreement between the Stewards and Mr Duffy and imposes a 10-day suspension commencing midnight, Saturday 25 March 2023.

Mark Howard
Registrar, Victorian Racing Tribunal