2 July 2020

**DECISION**

**HARNESS RACING VICTORIA**

**and**

**MR ASHLEY MANTON**

**Date of hearing:** 23 June 2020

**Panel:** Judge John Bowman (Chairperson) and Mr Robert Abrahams.

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

 Mr Ashley Manton represented himself.

**Charge:** Australian Harness Racing Rule 163 (1)(a)(iii) states “A driver shall not (a) cause or contribute to any (iii) interference”.

**Particulars of charge:** The particulars of the charge being that Mr Manton allowed his drive to shift in when insufficiently clear of Barbie Mattgregor resulting in that runner being checked and breaking. Mr Manton pleaded not guilty to the charge however after giving due consideration to all of the evidence Stewards found Mr Manton guilty as charged. In determining penalty Stewards considered the Harness Racing Victoria Minimum Penalty Guidelines, Mr Manton’s not guilty plea, the extent of the interference and his overall driving record. Mr Manton’s licence to drive in races was suspended for a period of 4 weeks, with the suspension to commence at midnight on 23 April.

**Plea:** Not Guilty

**DECISION**

Mr Ashley Manton, you have pleaded ‘not guilty’ to a breach of Rule 163 (1)(a)(iii) which allegedly occurred approximately 450 metres after the start of Race 5 over 1650 metres at Bendigo on 14 April 2020. Rule 163(a)(iii) states that a driver shall not cause or contribute to any interference.

You were driving Ace Duigan. It came out of gate 4. Immediately to your inside was Barbie Mattgregor, driven by Tayla French. Essentially, the Stewards allege that you sat outside of it as the two horses drew some 15 metres clear of the field shortly after the start. The horses swung into the home straight for the first time and it is alleged that you crossed Barbie Mattgregor when you were an insufficient distance clear of it, causing it to break and effectively drop out of the race.

When interviewed after the race, Ms French at first thought that your horse had made contact ‘just clipping my horse’s leg’, also stating that her horse was over-racing. After viewing the video, she changed her position, stating that ‘yeah, maybe there wasn’t’ referring to contact. The situation was not taken any further with her by the Stewards and she was subsequently excused further attendance without being further questioned or making any statement.

You have maintained throughout that you were not guilty. You claimed that her horse was over-racing, as stated by Ms French, and was hitting the wheels. You asserted that the evidence was inconclusive and maintained your plea of ‘not guilty’.

We have viewed the 3 video angles on several occasions. It is not particularly satisfactory. The side on vision from camera angle 2 had the potential to be of the greatest assistance. However, the vision is almost blinded or grossly interfered with by a bright overhead light, which effectively makes it impossible to ascertain exactly what happened. The other camera angles do not take matters much further.

Thus we have a situation where the brief evidence obtained from the other driver, Ms French, in essence changed after her viewing of the video and raised the possibility of her horse hitting the wheels of the sulky. We have Mr Manton maintaining his position of being not guilty throughout. Further, we have video material which is in essence unsatisfactory, through no fault of the Stewards.

We would also point out that the charge laid is specifically one of causing interference pursuant to Rule 163(1)(a)(iii). It is not a charge of breaching Rule 165, which deals with the positioning of horses and sulkies from the start until reaching the next straight. The Stewards opted not to lay a charge pursuant to that Rule, but under Rule 163(1)(a)(iii).

Taking into account all of the above, we cannot be comfortably satisfied that you, Mr Manton, caused or contributed to any interference to Barbie Mattgregor as alleged. Accordingly, the appeal against conviction is upheld and the charge is dismissed.

Mark Howard
Registrar, Victorian Racing Tribunal