13 May 2022

**DECISION**

**HARNESS RACING VICTORIA**

**and**

**CONNOR CLARKE**

**Date of hearing:** 3 May 2022

**Panel:** Magistrate John Doherty (Deputy Chairperson) and Dr June Smith.

**Appearances:** Mr Daniel Borg appeared on behalf of the Stewards.

Mr Lance Justice represented Mr Connor Clarke.

Mr Connor Clarke attended the hearing.

**Charge:** Australian Harness Racing Rule (“AHRR”) 149(1) states:

(1)A driver shall take all reasonable and permissible measures during the course of a race to ensure that the horse driven by that driver is given full opportunity to win or obtain the best possible placing in the field.

**Particulars of charge:** Connor Clarke, driver of “Springfield Affair” pled guilty to a charge under AHRR 149(1). The particulars of the charge being that after directing his drive three wide from the 1500m then shortly after activating removable ear plugs, Mr Clarke placed his drive under pressure from the 1400m and then continued to apply pressure and urge his drive along from the 1200m to the 1000m then applied further pressure and continued to use the whip from the 1000m to the 800m when the opportunity was readily available to obtain a position in the one out line and give his drive some respite given the extra ground covered and pressure Springfield Affair had been placed under to that point of the race. Springfield Affair has then as a result of Mr Clarke’s actions, remained racing in a three wide position for the last 1500m of the race, which Stewards state was not reasonable and permissible and was detrimental to Springfield Affair’s finishing position. In assessing penalty, in accordance with the relevant factors outlined in the HRV Minimum Penalty Guidelines, Stewards placed weight on Mr Clarke’s guilty plea, driving experience over two seasons (427 drives), the fact that this was Mr Clarke’s first offence under this rule and the significant degree of culpability in this instance. Stewards imposed a suspension of Mr Clarke’s license for a period of six weeks.

**Plea:** Guilty

**DECISION**

Mr Connor Clarke is a registered grade A driver with Harness Racing Victoria (“HRV”) and drove “Springfield Affair” in Race 8 at the Ararat harness racing meeting on 23 December 2021. The horse finished in fifth position.

At the Stewards inquiry into his drive, Mr Clarke pleaded guilty as he does today. It is against the severity of a six week suspension that Mr Clarke has appealed to this Tribunal.

We have witnessed a replay of the race in question. On one view, a reasonable bystander would be entitled to think that Mr Clarke was mistaken about what was the final lap, when there was another lap to complete. On any view, it was a poor drive. Such is conceded by Mr Clarke and Mr Justice.

Mr Clarke is a young, A grade driver now in his third season. It is plain that, even on a tight track, such as Ararat, Mr Clarke had opportunities to restrain and give his horse some respite. Stewards factored into their penalty Mr Clarke’s guilty plea, driving experience and that this was his first offence under the Rule. Most importantly, in our opinion, there is a significant degree of culpability. We are not going to disturb the period of suspension imposed by the Stewards despite the mitigating matters that have been advanced by with Mr Clarke or Mr Justice in this appeal.

In the event, the appeal is dismissed and the six week suspension is to commence at midnight on 7 May 2022.

Kathleen Scully
Assistant Registrar, Victorian Racing Tribunal