12 February 2020

**DECISION**

**HARNESS RACING VICTORIA**

**and**

**MR DANNY FERRIS**

**Date of hearing:** 11 February 2020

**Panel:** Judge John Bowman (Chairperson), Magistrate John Doherty (Deputy Chairperson) and Mr Robert Abrahams.

**Appearances:** Mr Shane Larkins appeared on behalf of the Stewards.

Mr Lance Justice represented Mr Ferris at the hearing.

**Charges:** Charge 1 - Australian Harness Racing Rule 231(1)(a) reads as follows: A person shall not threaten anyone employed, engaged or participating in the harness racing industry or otherwise have a connection with it.

Charge 2 - Australian Harness Racing Rule 231(2) reads as follows: A person shall not misconduct himself in any way.

**Particulars of charges: Charge 1**

1. As a licensed Trainer/Driver on 20 September 2019, you did attend and participate at the Shepparton race meeting.
2. At the conclusion of a stewards inquiry, when exciting the stewards room you directed the words “Shut your mouth or I’ll drop you where you stand” towards Steward/Starter Cody Baker.
3. You did threaten Mr Baker by directing the words “I’ll drop you where you stand” toward him.

**Charge 2**

1. As a licensed Trainer/Driver on 20 September 2019, you did attend and participate at the Shepparton race meeting.
2. At the conclusion of a stewards inquiry, when exiting the stewards room you directed the words “Stick it up your arse”.
3. You did misconduct yourself by uttering the words “Stick it up your arse”.

**Plea:** Guilty

**DECISION**

Mr Danny Ferris, you have pleaded guilty to two charges. The first is a breach of Rule 231(1)(a). In summary, it relates to threatening words directed to Steward/Starter Mr Cody Baker at Shepparton on 20 September 2019. The second is a breach of Rule 231(2). It is a charge of misconduct in relation to abuse which was directed to the panel of stewards on the same day and effectively in much the same context.

The whole situation arose out of a fine of $1,000 with $250 suspended, which was imposed for misconduct in using foul and abusive language to another driver immediately after the race. In other words, the 2 charges before us today arose out of the enquiry into a charge of abusive language for which you were fined. What occurred was part of the one sequence of events.

We accept that you have been engaged in harness racing for over 40 years. You are employed as a stockman and you have a small team of horses, more as a hobby trainer than as a source of income.

We also accept, as do the stewards, that, at the time of this meltdown, as it could be described, you were under intense personal pressure. Very sadly, your wife is dying of cancer. You also had to endure the death of a son. Whilst emphasising that behaviour such as this cannot be tolerated and that a message must be sent to the industry when it does occur, Mr Larkins very properly referred to the circumstances in which you find yourself. The stewards were not aware of the personal pressures that you were under on the night that this behaviour occurred. Those pressures do not excuse your behaviour, but they do help explain it.

In the circumstances, we have arrived at the following penalties. On the first charge pursuant to Rule 231(1)(a), you are fined the sum of $500. That fine is wholly suspended for a period of 12 months.

On the charge pursuant to Rule 231(2), you are suspended for a period of 3 months and that suspension is in turn wholly suspended for a period of 2 years.

Mark Howard
Registrar, Victorian Racing Tribunal