24 June 2022

**DECISION**

**HARNESS RACING VICTORIA**

**and**

**DARYL DOUGLAS**

**Date of hearing:** 17 June 2022

**Panel:** Justice Shane Marshall (Deputy Chairperson) and Mr Greg Childs.

**Appearances:** Mr Brett Day appeared on behalf of the Stewards.

Mr Mark Shelly represented Mr Daryl Douglas.

Mr Scott Gillespie appeared as a witness.

**Charge:** Australian Harness Racing Rule (“AHRR”) 163(1)(a)(iii) states:

(1) A driver shall not -

(a) cause or contribute to any

(iii) interference.

**Particulars of charge:** Daryl Douglas, driver of “Temporale” NZ, reserved his plea to a charge issued under Rule 163(1)(a)(iii). The particulars of the charge are that after passing the 300m and “Im Ready Jet” commencing to shift out he directed Temporale NZ in and continued to do so which resulted in Temporale NZ failing to maintain a full three wide position which contributed to the interference suffered by “Sundons Courage” when Sundons Courage was contacted by Im Ready Jet and Temporale NZ resulting in Sundons Courage being severely checked and breaking gait and “Just Believe”, “Margaret Ruth” and “Rules Dont Apply” being checked. Mr Douglas was found guilty of the charge and Mr Douglas’ licence to drive was suspended for 3 weeks and a $250 fine was imposed.

**Plea:** Not Guilty

**DECISION**

1. Mr Daryl Douglas is a licensed harness racing driver and on 26 February 2022 he drove a horse called “Temporale” in Race 7 at Melton. In the same race. Mr Jason Lee drove “Im Ready Jet” and Mr James Herbertson drove “Sundons Courage”. Approaching the 300 metre mark, those three horses constituted the second line of runners. Mr Lee was on the inside, Mr Herbertson in the middle and Mr Douglas three wide.
2. The drone vision shows that at about that stage of the race, Mr Lee drifted out and caused interference to Mr Herbertson. At about the same time or very shortly thereafter, Mr Douglas can be seen to steer his horse to the left and also contribute to the interference to Mr Herbertson’s horse, albeit to a lesser extent than that of Mr Lee’s actions.
3. After the race, Stewards charged Mr Douglas with causing interference contrary to Australian Harness Racing Rule (“AHRR”) 163(1)(a)(iii). Mr Douglas pleaded not guilty. The Stewards found him guilty and suspended him for three weeks and fined him $250. That penalty was stayed pending appeal.
4. We have viewed vision. We observed that Mr Lee drifted out and interfered with Sundons Courage. That was the major cause of the interference. However, by Mr Douglas steering to his left, he did not merely hold his three wide line as suggested by his advocate.
5. We agree with the Stewards that Mr Douglas caused interference to Mr Herbertson’s horse, but not as great as the interference caused by Mr Lee. In all the circumstances, we dismiss the appeal. We will now hear submissions on the question of penalty.

**PENALTY**

1. The Stewards submitted that, consistent with the penalty given to Mr Lee by the Tribunal, and bearing in mind parity, Mr Douglas’ suspension should be reduced to two weeks. Having regard to the degree of involvement in the overall incident attributed to Mr Lee in comparison to Mr Douglas, we agree with Mr Shelly, Mr Douglas’ advocate, that the penalty should be reduced further, but not to the minimum penalty. We consider a 10 day suspension is appropriate. It shall commence at midnight on 19 June 2022. The $250 penalty stands. The appeal is allowed to that extent.

Kathleen Scully
Assistant Registrar, Victorian Racing Tribunal