31 March 2022

**DECISION**

**HARNESS RACING VICTORIA**

**and**

**GREG SUGARS**

**Date of hearing:** 10 March 2022

**Panel:** Justice Shane Marshall (Deputy Chairperson) and Ms Maree Payne.

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

Mr Greg Sugars represented himself.

**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:** Greg Sugars, driver of Utopia, was found guilty of a charge under Rule 163(1)(a)(iii) in that shortly after passing the 700m he permitted Utopia to shift out when not clear of Ollivici NZ resulting in Ollivici NZ being checked and trotting roughly. In assessing penalty Stewards took into account the relevant factors as outlined within the *HRV Stewards Minimum Penalty Guidelines*, placing weight on Mr Sugars’ record, the Group 1 status of the race and the low degree of interference. Stewards accordingly imposed a 10 day suspension of Mr Sugars’ licence to drive in races and a $200 fine.

**Plea:** Guilty

**DECISION**

1. Mr Greg Sugars is a Grade A harness racing driver. On 31 October 2021 he was the driver of the horse “Utopia” in Race 8 at Maryborough, which was a Group 1 event, being the Derby final. Mr Chris Lang drove the horse “Ollivici” in the same event.
2. Shortly after passing the 700 metre mark Utopia shifted out in front of Ollivici. There was no conclusive proof that there was contact between the horses, but it appears most likely that when Utopia came out, this horse caused Ollivici to react by stepping around a wheel.
3. After the race, the Stewards held an inquiry into the event. Mr Lang stated that there was no contact between the horses. He said that there was a shift from Mr Sugars. Mr Sugars conceded that he was late in making his move and said that he that he looked before making that move and asserted that he was clear to do so.
4. On appeal we had video evidence from which we were unable to gain much assistance. However, we were provided with still shots of the incident, which show Utopia coming out and Ollivici reacting as the interference occurred. Stewards referred us to the history of the racing manners of Ollivici, which show that the horse did not usually shy away or ease when coming into close proximity with other horses.
5. The issues for us to determine are:

1. Whether there was interference.

2. Whether Mr Sugars contributed to or caused the interference.

1. After considering all the evidence before us, including the transcript of the Stewards hearing, the videos of the race, the stills of the incident and evidence concerning the usual racing manners of Ollivici, we are of the view that Ollivici was the subject of interference. We consider that the interference was caused by Utopia taking its running and resulting in Ollivici being checked.
2. This appeal has raised before us the problem facing harness racing drivers in the absence of a Rule relating to the distance which horses should be from each other when coming out of the running line. It often can be the matter of fine judgment in real time for harness racing drivers. However, drivers should be aware of the need to be extra careful in prestigious races such as Group 1 events, given the warning of Stewards that harsher penalties may apply in those races.
3. In all the circumstances, we consider that the decision of the Stewards was open to them. Moreover, we consider that it was the correct decision. We dismiss the appeal to that extent. Mr Sugars has also appealed against the severity of the penalty of a 10 day suspension and a $200 fine. We will now take submissions on that issue.

**PENALTY**

1. After hearing submissions on the question of penalty, given that the race was a Group 1 event, we consider that the penalty was a reasonable one. Had the race not been a Group 1 event, a lesser penalty may have been appropriate, given that the shift by Mr Sugars was anticipated by Mr Lang and that the interference was not deliberate or malicious.
2. We also bear in mind in considering the appropriateness of the penalty that Mr Sugars had only recently returned to harness racing driving from a suspension relating to a previous breach of the same Rule.
3. The appeal against the penalty is also dismissed. The penalty shall operate from midnight on 12 March 2022.

Mark Howard
Registrar, Victorian Racing Tribunal