11 October 2019

**DECISION**

**HARNESS RACING VICTORIA**

**and**

**MR IAN DORNAUF**

**Date of hearing:** 4 October 2019

**Panel:** Judge John Bowman (Chairperson), Judge Graeme Hicks and Ms. Amanda Upton

**Appearances:** Shane Larkin appeared on behalf of the stewards

**Charge:** Australian Harness Racing Rule 168(1)(b)

**Particulars of charge:** Ian Dornauf (Royal Obession) was found guilty of a charge under AR 168(1)(b) for reckless driving, in that in the opinion of the stewards, racing down the back straight on the final occasion when trailing, Sumthin Special NZ, he elected to shift outwards to improve between that runner and The Loan Dancer, resulting in his own drive racing in extremely restricted room for some distance before ultimately Royal Obsession made contact to the inside sulky wheel of The Lone Dancer and galloped. Charliesandmine, which was racing to the inside, was checked and galloped. Distinctive Del NZ was severely checked and galloped, and the following runners all being checked noticeably to varying degrees, Damitsam, Cobie Hall, Fire Safe Sounds Of Terror and The Lone Dancer. The licence to drive in races of Mr Dornauf was suspended for 10 weeks to commence midnight the 22nd of September. In assessing penalty, stewards took into account the HRV Minimum Penalty Guidelines, Mr Dornauf’s not guilty plea, the minimum frequency with which he is currently driving and the significant consequences of his reckless action. Stewards did offer a two-week discount away from the recognised penalty starting point of a 12-week suspension of one’s licence, on the basis that Mr Dornauf had not breached this specific rule for a significant period.

**Plea:** Not Guilty

**DECISION**

Mr Ian Dornauf, you have pleaded “not guilty” to a charge of reckless driving pursuant to Rule 168(1)(b). On 13 September 2019 at Kilmore you were driving Royal Obsession in Race 5 over 2190 metres. The Stewards allege that, in the back straight on the last occasion, you moved Royal Obsession from a position on the rail behind a tiring leader and in so doing came in contact with The Lone Dancer, driven by Mr Greg Sugars. Your horse came into contact with the wheel of Mr Sugars sulky, causing your horse to break and drop back into the field, causing severe interference to a number of horses. Essentially the Stewards allege that you came out when there was insufficient room and caused the mayhem that followed. Happily we note that there was apparently no injury of any magnitude to other drivers or horses, but the field was certainly disrupted in a big way.

Your assertion is that essentially you had room to move out, with a clearance of a foot on either side. You say Mr Sugars then moved his head and his horses head to the left and in essence closed the gap into which you were moving and to which you were entitled. In other words, you place responsibility for what occurred on Mr Sugars and assert that you were blameless.

We have viewed the video many times. We are of the unanimous view that Mr Sugars essentially held his line and that what occurred was the result of you moving Royal Obsession out to avoid being trapped behind a rapidly tiring leader and being distance from the sprint lane.

We would also point out the following. When interviewed on the night by the Stewards after the race, you stated that [Quoting from transcript] “Probably it was a 50/50 thing, do I sit there when that horse stopped dead and just go back to it or when the other horse couldn’t keep up take the opportunity there was enough room for me horse to come out but like Mr Sugars said he kept his position and my horse couldn’t shift … I couldn’t shift him because my cart got behind his back … his inside wheel and then I think Mr Sugars’ horse moved around a bit and touched my horse’s back leg and that’s when he galloped”. You also said “I couldn’t shift Mr Sugars because it sort of … I think I just put him off balance the bit that come back down and his wheel has just hit my horse’s back leg that’s when me horse galloped”. You also said that your sulky was too big and stated that you would go home and take about 10 or 12 inches off it.

Bearing all of the above in mind, and particularly given what we have seen on the video, we are of the view that what occurred was caused by you forcing your way out into a space when there was not enough room for you, we are comfortably satisfied that was reckless.

The appeal against the conviction is dismissed.

We shall hear what is to be said on penalty.

**PENALTY**

Whilst we have sympathy for someone who has been in the industry for as long as you have and driven horses at a high level commented and never been convicted of a charge of this nature, we are of the view that the penalty imposed is appropriate.

You pleaded “Not Guilty” and therefore you are not entitled to a reduction in penalty which might result from a plea of “Guilty”. There are no other particular mitigating circumstances.

There was a lot of interference caused by your recklessness and the potential for more serious damage certainly existed.

Weighing everything up, including our finding that these was a high degree of culpability on your behalf, we are of the view that a period of suspension of 10 weeks is appropriate.

The appeal is dismissed.

Mark Howard
Registrar, Victorian Racing Tribunal