7 April 2020

**DECISION**

**HARNESS RACING VICTORIA**

**and**

**MR JACK LAUGHER**

**Date of hearing:** 23 March 2020

**Panel:** Judge John Bowman (Chairperson) and Judge Graeme Hicks (Deputy Chairperson).

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

Ms Annette Wagner appeared on behalf of Mr Laugher.

**Charges:** Australian Harness Racing Rule (AHRR) 156(2) states “A driver shall only apply the whip in a flicking motion whilst holding a rein in each hand with the tip of the whip pointed forward in an action which does not engage the shoulder”.

 Australian Harness Racing Rule (AHRR) 163(1)(b)(i) states “A driver shall not, subject to Rule 164, make another horse cover more ground than necessary”.

**Particulars of charges:** Mr Jack Laugher, driver of Micton Mouse, was found guilty of a charge under Rule 156(2) in that inside the final 200m he applied the whip to the gelding with more than a flicking motion and in a manner which engaged his shoulder. In assessing penalty Stewards took into account the relevant considerations as outlined within the *HRV Stewards Minimum Penalty Guidelines* however were mindful it was Mr Laugher’s fourth offence within the applicable reset period. Stewards accordingly imposed a 2 week suspension and a $500 fine mindful of the consequential effect of any suspension.

Jack Laugher, driver of Vandanta NZ, was found guilty of a charge under Rule 163(1)(b)(i) in that approaching the 800m when allowing Vandanta NZ to shift out to a three wide position he forced Rishi NZ four wide resulting in that runner being obliged to cover more ground than necessary. In assessing penalty Stewards took into account the relevant considerations as outlined within the *HRV Stewards Minimum Penalty Guidelines* placing particular weight on Mr Laugher’s good record under this rule and the circumstances of the incident.

**Plea:** Not Guilty to both charges.

**DECISION Appeal 1 – Rule 156(2)**

These appeals were conducted as a teleconference because of the situation currently prevailing and we thank all concerned for their cooperation.

Mr Jack Laugher, you are appealing in relation to the Stewards finding you guilty in two matters and as to the penalties imposed. Judge Hicks and I are in agreement as to the decisions to be made.

I shall now read out our findings in relation to charge 1 - the whip charge – and Judge Hicks will read out the findings as to charge 2 – the making of another horse cover more ground then necessary. I repeat that in each instance it is our joint finding.

Turning to the first charge, it concerns the running of Race 7 at Shepparton on 11 January 2020. You were driving Micton Mouse, which led around the bend and into the straight on the last lap. You applied the whip for the duration of the straight, that is inside the final 200 metres.

We have viewed the video many times. You have been forwarded the video some weeks ago. Ms Wagner, who was assisting you from Launceston, only had the television coverage video. We also viewed it and what occurred could be seen almost equally as well as that on the Stewards video.

Ms Wagner, assisting you, submitted that other drivers were clearly using the whip in a way that breached the Rule and you had in essence been singled out unfairly. Unfortunately, that is not to the point. What we have to decide is whether you breached the Rule. Having viewed the video many times, we are of the opinion that you did breach it. To adopt the wording of the Rule, your whip action did engage your shoulder. This was not just a flicking motion. Your whip hand was clearly above shoulder height.

We appreciate your concern that there may be other drivers who have breached the Rule but have not been charged, but that is not something which we intend to comment upon. The bottom line is that we find that the charge has been proven and the appeal in relation to Rule AHRR 156 (2) is dismissed.

**DECISION Appeal 2 – Rule 163(1)(b)(i)**

Mr Laugher you have been charged with a breach of Rule 163 (1)(b)(1) for your drive on Vandanta in Race 7 at the Melton Harness Race meeting on Friday 17 January 2020.

Rule 163 (1)(b)(1) states that the driver shall not, subject to Rule 164, make another horse cover more ground than necessary. The particulars of the charge alleged against you are that, in Race 7 and you being the driver of Vandanta, approaching the 800 metres mark when you were completing your move three wide, you have done so when insufficiently clear of Rishi, driven by Mr Petroff. This resulted in that gelding being forced four wide and obliged to cover more ground than necessary. Such movement was prior to the designated push-out post in the back straight on the final occasion.

We have heard submissions from yourself and also from the Stewards represented by Mr Day. Your submission, Mr Laugher, is that in fact there was sufficient room for you to move out at the relevant time and it was safe to do so. We have watched replays of the race in question and read the transcript, which includes evidence of Mr Petroff. You, Mr Laugher, stated that you and Mr Petroff did not get on well and we have taken that into consideration. However, in all the circumstances we are comfortably satisfied that you did breach Rule 163 (1)(b)(1) in that prior to the push out post, when not clear of Rishi driven by Mr Petroff, you pushed out, forcing Rishi four wide, thereby making that horse cover more ground than was necessary. We find you guilty of the charge and the appeal will be dismissed.

**PENALTY**

On penalty, we note there have been pleas of “not guilty”. We are of the opinion that each period of suspension is appropriate. They are effectively the realistic minimum and they are proper and reasonable in the circumstances. The total period of suspension of three weeks remains in place. Given the tough financial times that lie ahead and the fact that you are a promising young driver, we will reduce the financial penalty on the whip charge - the breach of AHRR 156(2) to $250. The total penalty is 3 week suspension and a $250 fine.

Mark Howard
Registrar, Victorian Racing Tribunal