11 May 2021

**DECISION**

**HARNESS RACING VICTORIA**

**and**

**JASON AINSWORTH**

**Date of hearing:** 14 April 2021

**Panel:** Judge Graeme Hicks (Deputy Chairperson) and Ms Heidi Keighran.

**Appearances:** Mr Nicholas Murray appeared on behalf of the Stewards.

Mr Grant Campbell represented Mr Jason Ainsworth.

**Charge:** Australian Harness Racing Rule (“AHRR”) 162(1)(r) states:

(1) A driver shall not –

 (r) without reasonable explanation fail to take all necessary steps to activate gear, appliances or devices which require activation.

**Particulars of charges:** Jason Ainsworth, driver of “Premonition”, was found guilty of a charge under Rule 162(1)(r). The particulars of the charge being that without reasonable explanation Mr Ainsworth failed to remove the hopple shorteners from the gelding during the event. Premonition subsequently finished in second place beaten a neck. Mr Ainsworth’s licence to drive in races was suspended for a period of 3 weeks to commence midnight 4 December 2020. In assessing penalty stewards took into account Mr Ainsworth’s clear prior record, relevant experience, the frequency in which he drives in races, precedents in similar instances and the potential affect that this occurrence had on the performance of Premonition.

**Plea:** Not guilty

**DECISION**

Mr Jason Ainsworth, you have pleaded not guilty to breaching Australian Harness Racing Rule (“AHRR”) 162(1)(r) for your drive on “Premonition” in Race 5 at the Ararat Harness Racing meeting held on 25 November 2020.

AHRR 162(1)(r) states that a driver shall not, without reasonable explanation, fail to take all necessary steps to activate gear, appliances or devices which require activation.

At the Stewards inquiry held on 25 November 2020, you stated that you made a conscious decision not to release the hopple shorteners. You stated at the inquiry that you were the driver and your safety comes first and you were not comfortable with the way the horse was pacing. If you had pulled the hopple shorteners, the horse may have galloped. You had driven the horse on approximately eight occasions and on each of those occasions you had pulled the hopple shorteners.

Premonition finished in second place, beaten by a neck by the winner “Long Tall Sally”.

A hopple shortening device allows the hopple connecting strap to be shortened in order to restrict a horse’s leg movement during the early stages of a race. This reduces the chance of the horse galloping. Once the horse is balanced, the hopple shorteners can be removed by the driver, which allows the hopples to return to their intended original length. This allows the horse to stride out to its optimum.

Mr Terry Young, the trainer of Premonition, stated during the Stewards inquiry that the horse had raced in a 56 inch hopple and that the shorteners had restricted the horse to race in a 53 inch hopple. Mr Young stated that he was disappointed that you forgot to pull the hopple shorteners.

Subsequent to the Stewards inquiry, Mr Young provided a statement dated 12 April 2021. Mr Young stated that the horse’s gear being possibly being two to three inches shorter was incorrect. Having now seen replays of the race, Mr Young was of the opinion that not pulling the hopple shorteners made little or no difference to the result of the race and in fact may have helped the horse during the race.

As stated during the hearing, the hopple shorteners and how long or how short they were is not of particular relevance. The issue before this Tribunal is whether there is a reasonable explanation by Mr Ainsworth for not activating gear upon the horse, in this case pulling the hopple shorteners.

The Stewards stated, in giving a history of Premonition’s races, that it had not galloped at all during the middle stages of a race in some 22 starts and that you could have pulled the shorteners at that stage. Mr Grant Campbell, who appeared for Mr Ainsworth in this hearing, disputed this and referred to several previous races where Premonition had galloped and was racing roughly.

We accept that Ararat is a difficult track to race upon and that this was your first drive at Ararat. In your previous drives of Premonition, you had pulled the shorteners, but on this occasion you did not and made a conscious decision not to remove them due to your concerns as to how the horse was pacing. The Stewards submitted that you drove your horse aggressively and the horse was not racing roughly.

We have watched a number of video replays of the race in question and the three races leading up to this race where you had driven Premonition.

We are of the opinion that Premonition, on this race day, did race roughly and on several occasions had its head up, looking uncomfortable.

In all the circumstances, we are satisfied that you have a reasonable explanation for your act in not pulling the shorteners.

We are not comfortably satisfied that the charge has been proven and, as a result, the appeal will be allowed and the charge dismissed.

Kathleen Scully
Assistant Registrar, Victorian Racing Tribunal