3 June 2022

**DECISION**

**HARNESS RACING VICTORIA**

**and**

**JASON LEE**

**Date of hearing:** 1 June 2022

**Panel:** Justice Shane Marshall (Deputy Chairperson) and Mr Des Gleeson.

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

Mr Lance Justice represented Mr Jason Lee.

**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:** Jason Lee, driver of “Im Ready Jet”, pleaded not guilty to a charge under AHRR 163(1)(a)(iii) in that at approximately the 300m he permitted Im Ready Jet to shift out when not clear of “Sundons Courage” which contributed to the interference suffered by that runner 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 Lee was found guilty of the charge and Mr Lee’s licence to drive was suspended for 5 weeks and a $500 fine was imposed.

**Plea:** Guilty

**DECISION**

1. Mr Jason Lee is a registered harness racing driver. He had a drive in a race at Melton on 26 February 2022, which led to him being charged by Harness Racing Victoria (“HRV”) Stewards with causing interference in breach of Australian Harness Racing Rule (“AHRR”) 163(1)(a)(iii). Mr Lee received a five week suspension and a $500 fine. He pleaded not guilty, but the Stewards considered that high range interference had occurred in a group 1 event.
2. Mr Lee appealed to the Tribunal against the severity of the penalty. After the filing of the appeal and discussions with Mr Lee’s representative, Mr Lance Justice, Stewards formed the view that the appropriate penalty, in light of the guilty plea, should be 3 weeks suspension and a $1,000 fine. The Stewards contend that the period of suspension should commence on 20 May 2022 at midnight when Mr Lee last drove.
3. As this matter involves essentially a non criminal matter in which penalty is agreed between consenting parties acting at arm’s length and the result is a reasonable one, it is appropriate for this Tribunal to adopt it and amend the initial penalty in accordance with the views of the parties noted above. To that extent, we allow the appeal and resentence Mr Lee accordingly.

Kathleen Scully
Assistant Registrar, Victorian Racing Tribunal