25 July 2022

**DECISION**

**HARNESS RACING VICTORIA**

**and**

**JOHN JUSTICE**

**Date of hearing:** 21 July 2022

**Panel:** Judge Graeme Hicks (Deputy Chairperson) and Dr Andrew Gould.

**Appearances:** Mr Grant Adams appeared on behalf of the Stewards.

Mr John Justice 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:** MrJohn Justice, the driver of “Huli Nien”, pleaded guilty to a charge under Rule 163(1)(a)(iii) for cause or contribute to interference in that racing towards the 50m he had failed to make sufficient effort to prevent his gelding from shifting wider resulting in “Shortys Mate” NZ being taken up towards “Sicario” where both runners came together and Sicario being checked and breaking gait when contacting the off side sulky wheel of Shortys Mate NZ. Mr Justice had his licence to drive in races suspended for a period of 10 days which was ordered to commence at midnight Sunday 15 May 2022 and to expire on Thursday 26 May 2022 on which day he may drive. When considering penalty stewards took into account Mr Justice’s guilty plea, driving record and the circumstances attached to this incident.

**Plea:** Not Guilty

**DECISION**

Mr John Justice, you are appealing against the decision of the Stewards made on Saturday, 14 May 2022 at the Melton harness race meeting as set out above. You are appealing to the finding of guilty and also the penalty imposed.

The particulars of the charge are that you, being the driver of “Huli Nien” which competed in race 7 at Melton on Saturday, 14 May 2022, did cause or contribute to interference in that leaving the 100m mark before the winning post and approaching the 50m mark, you failed to take sufficient action to prevent your horse from shifting ground whilst racing inside “Shortys Mate”, driven by Mr Jack Laugher, causing Shorty’s Mate wider up towards the running of “Sicario”, driven by Mr Chris Alford, resulting in Sicario being checked and breaking gait.

We have heard submissions on behalf the Stewards represented by Mr Grant Adams and yourself and we have watched several replays of the race from different angles.

At the Stewards inquiry held on Saturday, 14 May 2022, Mr Alford, after viewing the film of the race, stated that that pressure had come from the inside. Mr Laugher stated it felt like Mr Justice’s horse had hung up the track.

You told the inquiry that it felt like your horse just wanted to get up the track and that your horse did not like the sprint lane. You told the Stewards inquiry that you were doing everything in your power to maintain a true line in the home straight.

In this case there are two competing submissions, one by the Stewards being represented by Mr Adams and one by Mr Justice.

Mr Adams submission is that you failed to take the sprint lane, then moved your horse back up the track causing Mr Laugher’s horse to take evasive action, which he did by moving his horse further up the track, thereby causing interference to Mr Alford’s horse, which then broke gait.

Mr Justice, your submission is that your horse did shift briefly back up the track when your horse did not like the sprint lane, but that, on no occasion, did your horse shift back up the track and cause Mr Laugher’s horse to take evasive action. That there was a clear gap between your horse and Mr Laugher’s horse. That Mr Laugher did not stop driving his horse out and that Mr Laugher moved his horse wider out up the track to come from behind the leader. You submitted that, at no time, did your actions cause or contribute to Mr Laugher moving his horse out up the track to the extent he did.

Having heard the evidence and viewing the film from various angles, we are not comfortably satisfied the charge has been proven. The film itself does not allow sufficient clarity to show which version of the events is correct, that of the Stewards, or that of Mr Justice. It is in those circumstances we find you not guilty of the charge. The appeal is allowed, and the charge is dismissed.

Mark Howard
Registrar, Victorian Racing Tribunal