1 July 2022

**DECISION**

**HARNESS RACING VICTORIA**

**and**

**KERRYN MANNING**

**Date of hearing:** 23 June 2022

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

**Appearances:** Mr Adrian Crowther appeared on behalf of the Stewards.

Mr Grant Campbell represented Ms Kerryn Manning.

**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:** Stewards inquired into the reasons for “Dublin Chubb” (Kerryn Manning) and “Aldebaran Jaytee” (Josh Duggan) locking wheels near the 250 metres. After hearing evidence from both drivers, viewing the official race replays and acting on their own observations, Stewards charged Ms Manning pursuant to Rule 163(1)(a)(iii) for permitting Dublin Chubb shift up the track and lock wheels with Aldebaran Jaytee, checking that runner which lost ground as a result. Ms Manning pleaded not guilty to the charge and after giving consideration to all of the evidence Ms Manning was found guilty of the charge. In determining penalty Stewards took into consideration HRV Minimum penalty guidelines, the extent of interference and degree of carelessness, and Ms Manning’s excellent record under this Rule. A seven day suspension of her licence was imposed with a nine day deferment granted.

**Plea:** Not Guilty

**DECISION**

Ms Kerryn Manning, you are appealing against the decision of the Stewards in relation to an incident on 9 March 2022 as set out above. You are appealing in relation to the finding of guilty and to the penalty imposed.

The particulars of the charge are as follows. In Race 6 at the Bendigo harness racing meeting held on 9 March 2022, whilst driving your horse “Dublin Chubb” out with your reins shortly before entering the home straight on the final occasion, you permitted your horse to shift up the track, causing interference to “Aldebaran Jaytee” driven by Mr Josh Duggan by locking wheels with his horse.

At the inquiry held on 9 March 2022, you told Stewards that before the incident you were driving your horse with the reins for a long time. It was only when Mr Duggan’s horse moved up beside your horse that your horse took one step further outwards, which caught the wheels of Mr Duggan’s horse. You told Stewards that this was a mere racing incident and was contributed to by the actions of your horse and that you did not have time to pull your horse back down the track.

We have viewed footage of the race in question from several angles and we have heard submissions from the Stewards and also from Mr Campbell on your behalf.

There is no dispute that Dublin Chubb locked wheels with Aldebaran Jaytee. There is no dispute that Dublin Chubb drifted up the track at the relevant time. The Stewards contend that this was caused by you driving your horse with both reins and thereby not effectively controlling your horse. Mr Campbell, on your behalf, contends that momentarily and unexpectedly your horse took a step outward and that you did not have enough time to pull your horse back down the track.

In our opinion, Dublin Chubb moved at least half a horse up the track at the relevant time, not one step further up the track. In our opinion, at the relevant time you continued to hit your horse with both reins, thereby not effectively controlling it and permitting it to drift up the track, locking wheels with Mr Duggan’s horse. We are comfortably satisfied that the charge has been proven.

**PENALTY**

In arriving at an appropriate penalty, we have considered the Harness Racing Victoria (“HRV”) minimum penalty guidelines. Such guidelines are not mandatory and they are guidelines only.

Bearing in mind your plea of not guilty, we are of the opinion that you are not entitled to a reduction in penalty that might have been available had you pleaded guilty.

In assessing the culpability of your drive, we find that it is at the lower range. We consider your history in the harness racing industry to be exceptional. The last time you were suspended for any offence was on 22 December 2008. You are a prolific driver and since 2008 you have had 7,961 drives without blemish. As the Stewards acknowledged, “records don’t get any better than that”.

Each charge must be considered on its merits and in all the circumstances of this case, we are of the opinion that the seven day suspension is appropriate. The suspension is to commence at midnight on 25 June 2022.

Kathleen Scully
Assistant Registrar, Victorian Racing Tribunal