9 September 2019

**DECISION**

**HARNESS RACING VICTORIA**

**and**

**MR MATTHEW HORSNELL**

**Date of hearing:** 2 September 2019

**Panel:** Judge John Bowman (Chairperson), Justice Shane Marshall, (Deputy Chairperson) and Mr. Robert Abrahams

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

 Mr Lance Justice appeared on behalf of Mr Horsnell.

**Charge:** Australian Harness Racing Rule 163 (1)(a)(iii) states “A driver shall not (a) cause or contribute to any (iii) interference.

**Particulars of charge:** The particulars of the charge being that after initially improving three wide down the back straight on the final occasion and then shifting in to trail the outside sulky wheel of Sea Parade (Xavier O’Connor) for a short distance, Mr Horsnell then directed Iam Erik outwards near the 500m, when not sufficiently clear of Whatajetstar (Jackie Barker) resulting in that gelding being checked and taken up the track, which in turn caused Vuitton’s (Connor Ronan) near hind leg to make contact with the outside sulky wheel of Whatajetstar, causing Vuitton to be checked and break its near hind hopple loop, resulting in that gelding being retired from the event thereafter. Mr Horsnell’s licence to drive in races was suspended for a period of 10 days to commence midnight 17 August 2019. In assessing penalty in accordance with the HRV Minimum Penalty Guidelines, stewards took into account Mr Horsnell’s recent record under the relevant rule, the frequency in which he drives in races and the medium level of interference attributed to this incident.

**Plea:** Not Guilty

**DECISION**

Mr Matthew Horsnell has appealed against a conviction recorded concerning his drive on Iam Erik in Race 6 at Hamilton on 8 August 2019. Other horses and drivers involved were Ms Jackie Barker driving Whatajetstar and Mr Connor Ronan driving Vuitton. The charge involves a breach of AHRR 163 (1)(a)(iii) which relates to causing interference.

Vuitton was the main casualty of the interference. Essentially the Stewards allege that in the back straight the final time Mr Horsnell moved from a position two and half horses out to three horses out, forcing Whatajetstar wider. This in turn caused interference to Vuitton, which was four horses wide. The interference to it caused a breaking of gear and it retired from the race.

We have viewed the video several times and read the transcript of the post-race interview. We have also taken into account the points raised by Mr Justice on behalf of Mr Horsnell.

However, we find that the charge has been proven. Mr Horsnell moved out when not sufficiently clear of Whatajetstar, forcing it wider and causing the interference to Vuitton and the damage to its gear.

In our opinion a breach of the relevant Rule has been proven and the appeal against conviction is dismissed. Submissions in relation to penalty were then heard.

The penalty imposed by the Stewards seems to us to be fair and reasonable. The appeal against penalty is dismissed. The suspension shall start at midnight on 2 September 2019.

Mark Howard
Registrar, Victorian Racing Tribunal