14 February 2022

**DECISION**

**HARNESS RACING VICTORIA**

**and**

**RODNEY LAKEY**

**Date of hearing:** 4 February 2022

**Panel:** Judge John Bowman (Chairperson) and Ms Maree Payne.

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

Mr Rodney Lakey represented himself.

**Charge:** Australian Harness Racing Rule (AHRR) 163(1)(d) states “A driver shall not directly or indirectly cause another runner to shift inside the line of marker posts or into the sprint lane”.

**Particulars of charges:** The particulars of the charge being that after entering the back straight on the final occasion after initially shifting out he then shifted his drive Hidden Figure back down the track at which time the front legs of Bailieborough were to his inside and that he then he continued to shift down the track and apply pressure to Bailieborough resulting in that runner being contacted and then contacting and racing inside a series of marker pegs.

**Plea:** Not Guilty

**DECISION**

Mr Rodney Lakey, you are appealing against a decision of the Stewards that you are guilty of a breach of Australian Harness Racing Rule (“AHRR”) 163(1)(d) and that your driver’s licence be suspended for a period of three weeks. The finding arose out of your drive of Hidden Figure in Race 9 at Mildura on 13 August 2021. The other horse involved, Bailieborough, was driven by Mr Sam Barker. You have at all times pleaded not guilty to the charge.

AR 163(1)(d) essentially relates to the offence of directly or indirectly causing another runner to contact the marker pegs. The incident out of which the charge arises occurred almost immediately after the horses entered the back straight on the final occasion. At that time, you were leading and Mr Barker was immediately behind you, inside a horse in the “death seat”, and thus on the marker peg line.

We have viewed the video, and particularly the head on view in the back straight, many times. What we find happened is as follows. Your horse apparently can be difficult to drive. Entering the back straight, it was racing with its head turned to the outside and approximately half a horse off the marker pegs. Mr Barker’s horse pushed up on your inside. We are quite satisfied that there was not a full run. Mr Barker told Stewards that the horse saw the gap, said to itself “Righto, let’s go”, and he, Mr Barker, was a passenger. As Bailieborough pushed up, you horse moved back towards the pegs. Ultimately, Bailieborough ended up with itself and the cart approximately half way over the pegs. Mr Barker was restraining the horse and ultimately was able to move back on to the track proper, and behind you. The whole incident took place over something in the order of 70 metres.

We do not accept that, as argued by you, Bailieborough was under pressure at the time. It seems to us to have been travelling well and, when back inside the pegs again, was under a strong hold. It never got out and, indeed, had there been a sprint lane, may well have featured in the finish.

However, we do accept that, in the back straight and when the incident occurred, there was never a run to your inside between your horse and sulky and the marker pegs. Whether Bailieborough was driven into the gap, such as it was, or whether of its own accord it effectively pushed its way into the gap with Mr Barker just a passenger, there was never a run there. Your horse definitively moved towards the marker pegs, but it appeared to us to be essentially still in the same running line as the other horses behind it. We accept that you were doing your best to keep your horse running in a straight line.

We cannot be comfortably satisfied that you directly or indirectly caused Bailieborough to contact or cross the line of the marker pegs. It pushed, apparently of its own accord, into a gap where it should not have been and where there was not enough room to avoid the marker pegs. It was ultimately restrained and crossed back behind Hidden Figure. The difficulty it got itself into was of its own making.

In short, the appeal is upheld and the charge is dismissed.

Mark Howard
Registrar, Victorian Racing Tribunal