26 May 2023

**STAY APPLICATION**

**HARNESS RACING VICTORIA**

**and**

**JORDAN LEEDHAM**

**Date of hearing:** 24 May 2023

**Panel:** Judge John Bowman (Chairperson) and Judge Kathryn Kings (Acting Deputy Chairperson).

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

Mr Anthony O’Connell represented Mr Jordan Leedham.

**Charge:** Australian Harness Racing Rule (“AHRR”) 163(1)(c) states:

(1) A driver shall not -

 (c) allow the driver's horse or the sulky or any part thereof to:

(i) shift inside the marker post;

(ii) make contact with the marker post.

**Particulars of charge:** Stewards held up the all clear in relation to the third horse over the line “Neds Beach NZ” racing inside marker pegs in the home straight. After viewing the official race replays and taking evidence from drivers Ryan Sanderson (“Sunshine Warrior”) and Jordan Leedham (Neds Beach NZ) it was established that Neds Beach NZ had commenced to improve to the inside of Sunshine Warrior when there was not a full run available to do so and raced inside marker pegs, before Sunshine Warrior shifted out under pressure nearing the finish affording a full run to Neds Beach. After considering the evidence tendered and their own observations Stewards ordered that Neds Beach NZ be relegated to 4th placing with 4th over the line “Le Spartacus” being promoted to 3rd placing. Driver Jordan Leedham pleaded guilty to a charge pursuant to Rule 163(1)(c) for allowing his drive to race inside marker pegs and his licence to drive in races was suspended for a period of 7 days.

**Plea:** Guilty

**RULING**

Mr Jordan Leedham is seeking a stay in relation to the operation of a penalty of suspension for seven days.

The penalty was imposed at Mildura by the Stewards on 12 May 2023. It relates to a drive of Mr Leedham on that occasion in which he went inside the marker pegs for a distance involving several of such pegs. His drive was relegated from third to fourth position by the Stewards. He pleaded guilty to the offence, and, as stated, suspension for seven days was the penalty imposed.

Mr Leedham’s appeal is out of time. The three day appeal period expired on 15 May 2023. He appealed on 17 May 2023. His appeal is related to severity of penalty only. The nine day deferral period expired on 21 May 2023 and thus Mr Leedham has already served a couple of days’ suspension.

We appreciate the matters advanced by Mr O’Connell on behalf of Mr Leedham. These were succinct and well presented. However, in our opinion, a stay should not be granted. That is so regardless of arguments on the status of an appeal lodged out of time.

As Mr Crowther pointed out of behalf of the Stewards, Mr Leedham’s drive in fact made ground whilst it was inside the marker pegs. For that reason, it was relegated from third to fourth. There is the potential for an impact upon wagering. It is not our role to determine penalty on an application such as this, but it was driving that affected the placings in a race.

As summarised by Mr Crowther, this appeal has been lodged out of time. The breach of the Rule is admitted. The offence was such that Mr Leedham’s drive was relegated from third to fourth. Mr Leedham has been driving on a nine day deferment.

In all the circumstances, we are not persuaded that a stay should be granted, and the application is dismissed.

Kathleen Scully

Assistant Registrar, Victorian Racing Tribunal