23 June 2023

**DECISION**

**HARNESS RACING VICTORIA**

**and**

**DYLAN MARSHALL**

**Date of hearing:** 23 June 2023

**Panel:** Justice Shane Marshall (Deputy Chairperson) and Mr Des Gleeson.

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

Mr Anthony O’Connor represented Mr Dylan Marshall.

**Charge:** Australian Harness Racing Rule (“AHRR”) 183(d) states:

Pending the outcome of an inquiry, investigation, or objection, or where a person has been charged with an offence, the Stewards may direct one or more of the following:

(d) that a licence or any other type of authority or permission be suspended.

**Particulars of charge:** On 20 June 2023, the Stewards of Harness Racing Victoria placed an interim suspension on Mr Dylan Marshall, under AHRR 183(d), pending the inquiry and investigation into potential charges.

**DECISION**

1. Mr Dylan Marshall is the holder of licences as a B grade Trainer and B grade Driver and therefore a registered person with Harness Racing Victoria (“HRV”).
2. Mr Marshall was the trainer of the horse “Cee Pe Three” which competed in Race 10 at Bendigo on 13 June 2023 and was driven by Mr Jack Laugher. Following the running of the race, Mr Marshall had an altercation with another trainer, Mr Walters. The altercation became physical with both men pushing and shoving and eventually falling to the ground. Mr Walters’ mouth was bloodied by the altercation.
3. Viewing a physical altercation like that is a serious matter. HRV Stewards interviewed Mr Marshall shortly thereafter. After the initial interview Mr Marshall was directed to leave the course and complied.
4. On 20 June 2023, Stewards informed Mr Marshall that his licence was suspended pending the outcome of an inquiry into what happened between him and Mr Walters. Viewing the incident as very serious, the Stewards decided with effect from midnight, 20 June 2023 that Mr Marshall would be suspended on an interim basis.
5. Mr Marshall has appealed from the decision of the Stewards which was made under Australian Harness Racing Rule 183(d) to suspend his licences pending the outcome of the inquiry or investigation. He is concerned that any ultimate penalty may be less severe than the suspension he may serve pending the outcome of the inquiry or investigation.
6. The appeal is based on the concern that the investigation may take a considerable period of time. Mr O’Connor, on behalf of Mr Marshall, also referred to the effect the suspension is having on Mr Marshall’s ability to train and on his mental health.
7. The Stewards contend that the evidence against Mr Marshall at this stage is compelling and it is possible that he could be charged with assault which usually carries periods of disqualification as penalties.
8. Stewards allege that the incident that led to the investigation was not a good look for harness racing and justifed an interim suspension.
9. Stewards expect that the investigation will be finalised by the end of July and that charges may be laid at that point.
10. Given the seriousness of the matter and the poor look the incident had for harness racing we are of the view that the interim suspension was appropriate. We are fortified in that view by the Stewards’ indication that they expect to complete the inquiry or investigation by the end of July.
11. The appeal is dismissed.

Mark Howard

Registrar, Victorian Racing Tribunal