3 August 2023

**DECISION**

**HARNESS RACING VICTORIA**

**and**

**TAYLOR YOUL**

**Date of hearing:** 1 August 2023

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

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

Mr Anthony Butt represented Ms Taylor Youl.

**Charge:** Australian Harness Racing Rule (“AHRR”) 149(2) states:

(2) A person shall not drive in a manner which in the opinion of the Stewards is unacceptable.

**Particulars of charge:** Taylor Youl, driver of “Rockstar Leo” was found guilty of a charge under rule 149(2) which states: A person shall not drive in a manner which in the opinion of Stewards is unacceptable. The particulars of the charge being that after driving forward from barrier four (4) and showing gate speed after the start, Ms Youl then challenged Karuma Kev (Ellen Tormey) for the lead and persevered in attempting to lead until passing the 1800m, contributing to quicker than average lead time being recorded in 36.7 seconds and the driving tactics adopted during this section were in the opinion of Stewards unacceptable and the main contributing factor for the performance of Rockstar Leo finishing in 9th position beaten 49m. A subsequent veterinary examination of Rockstar Leo revealed no apparent abnormalities.

In assessing penalty in accordance with the HRV Minimum Penalty Guidelines, Stewards took into account the following:

* Ms Youl’s licensed as a B grade concession driver and relative race driving experience since being licensed to drive in races in 2021, inclusive of over 320 race drives;
* Recent high driving frequency in races;
* No prior or applicable offence under rule 149 (2);
* The attributed level of culpability in the circumstances.

Ms Youl’s licence to drive in races was suspended for a period of four weeks to commence midnight 13 May 2023.

**Plea:** Not Guilty

**DECISION**

Ms Taylor Youl has been charged with a breach of Rule 149(2) – driving in a manner which is unacceptable. The charge arises out of her drive on “Rockstar Leo” in Race 5 over 2,150 metres at Bendigo on 4 May 2023. Ms Youl is pleading Not Guilty to the charge. The essence of it centres upon approximately the first 350 metres of the race, when she became involved in what appears to be a battle for the lead with “Karuma Kev”, driven by Ms Ellen Tormey.

We have had the opportunity to view the video of the race. Ms Tormey had drawn Gate 3. Ms Youl had drawn Gate 4. As the horses got to the winning post on the first occasion, they had covered approximately 80 metres. The horse that had drawn 1 had galloped. Ms Tormey had gone straight to the lead and was on the rails. Ms Youl had gone to her immediate outside and the two were essentially head to head.

We accept that Ms Tormey called out on no less than three occasions that she was going to continue to lead. She was not going to surrender it. Ms Youl persisted on her outside. It may be that Ms Youl was aware that Ms Tormey’s horse had broken when leading on a previous occasion.

In any event, Ms Youl persisted on the outside of Ms Tormey. By the time that they were approximately half way down the back straight, they had drawn a considerable number of lengths clear of the field, led by a horse driven by Mr Greg Sugars. When interviewed by the Stewards, Ms Youl admitted that the speed was “very hot”. The lead time was 36.7 seconds, which was 3.3 seconds quicker than the average. We understand and accept that this converts into a distance of something in the order of 42 to 45 metres ahead of the average distance. Only in the second half of the back straight did Ms Youl ease back. Mr Sugars came up on her inside. Her horse held its position for a short time before weakening to finish ninth.

We do not deny that Ms Youl was entitled to press for the lead initially. However, Ms Tormey’s horse did not break or ease. In fact, on three occasions Ms Tormey called to Ms Youl that she intended to hold the lead. In our opinion, Ms Youl should not have continued her endeavour to take the lead for the considerable distance that she did.

In short, we find that this did constitute driving in an unacceptable manner. We find Ms Youl guilty of a breach of Rule 149(2). Her appeal in this regard is dismissed accordingly. We will hear the parties on the question of penalty.

**PENALTY**

Whilst we are not bound by the penalty guidelines, they can be of some assistance. In the present instance, the Stewards imposed a penalty of suspension for four weeks. It may be that an allowance for a plea of guilty would have been considered if that route had been taken. However, it is the right of participants to plead Not Guilty and contest a case. If that contest fails, any argument for an allowance for a guilty plea often fails with it.

In our opinion, the penalty imposed by the Stewards was a fair and reasonable one. As stated, the issue of any reduction for a guilty plea does not arise. Accordingly, the appeal against penalty is dismissed.

The issue of a commencement date for the penalty can be agreed between the parties.

Kathleen Scully

Assistant Registrar, Victorian Racing Tribunal