23 November 2023

**DECISION**

**HARNESS RACING VICTORIA**

**and**

**ASHLEY MANTON**

**Date of hearing:** 15 November 2023

**Panel:** Judge John Bowman (Chairperson) and Dr Andrew Gould.

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

Mr Ashley Manton represented himself.

**Charge:** Australian Harness Racing Rule 156(2)(a) states:

(2)(a) A driver shall only apply the whip and/or the rein in a wrist only flicking motion whilst holding a rein in each hand with the tip of the whip pointed forward in an action which does not engage the shoulder.

**Particulars of charge:** Mr Ashley Manton was found guilty of a charge pursuant to AHRR 156(2)(a) for using his whip with more than a wrist only flicking motion. Mr Manton’s licence to drive in races was suspended for two weeks, with a nine day deferment granted to allow the suspension to commence at midnight on 17/11/23. In determining penalty Stewards took into consideration Mr Manton had two prior offences within the preceding 15 days, and HRV Minimum Penalty Guidelines.

**Plea:** Not Guilty

**DECISION**

Mr Ashley Manton, you are appealing against a decision of the Stewards that arose out of the running of Race 9 at Bendigo on 8 November 2023. In that race, you were driving My Lady Sarah, which ultimately ran fourth.

The Stewards allege that, in the straight for the final time, you breached Rule 156(2)(a). That Rule states, in summary, that the whip is only to be used in a flicking motion whilst holding a rein in each hand, with the tip of the whip pointing forward, in an action that does not engage the shoulder. The Stewards allege that, in the concluding stages, you were not using a flicking motion only but were engaging the shoulder, in addition to your elbow.

You are contesting this finding. You claim that the horse was displaying a tendency to hang-in in the straight and that your use of the whip, whilst also attempting to straighten the horse with the reins, did not infringe the Rule.

We have viewed the video many times, and particularly the side on and head on angles of the concluding stages of the race.

In our opinion, your use of the whip in the concluding stages of the race was in breach of the Rule. Your right elbow, and particularly your right shoulder, were clearly involved in your whip action. This was more than the flicking motion required by the Rule.

In short, the appeal in relation to liability is dismissed. We turn now to the question of penalty, and we shall hear what the parties have to say in that regard.

**PENALTY**

On the question of penalty, we are of the opinion that the appeal against penalty should be dismissed. As pointed out by Mr Crowther, this is your third breach of this Rule in the immediate past. You were fined for breaching the Rule on 24 October 2023 and again on 31 October 2023, prior to this breach on 8 November 2023. As stated, you were fined for each of the earlier breaches. On each occasion you were driving the same horse, My Lady Sarah.

We appreciate that this horse has a tendency to hang in. This seems to be getting you into difficulties when using the whip on this particular horse.

We also acknowledge that involvement in the harness racing industry is your sole source of income, but bearing in mind your recent record and what we consider to be a clear breach of the same Rule again on this occasion, the suspension for fourteen days seems to us to be an appropriate penalty. The appeal against penalty is dismissed. We leave it to the parties to clarify the starting date of the suspension.

Mark Howard

Registrar, Victorian Racing Tribunal