21 December 2023

**DECISION**

**HARNESS RACING VICTORIA**

**and**

**RYAN DUFFY**

**Date of hearing:** 12 December 2023

**Panel:** Judge John Bowman (Chairperson).

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

Mr Anthony Butt represented Mr Ryan Duffy.

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

(1) A driver shall not:

(a) cause or contribute to any;

(iii) interference.

**Particulars:** Mr Duffy permitted his drive to shift down the track when not clear of the of the extended front legs of HY FILANTE (Jack Laugher), tightening the racing room of that runner, resulting in HY FILANTE racing inside and contacting several marker pegs, then being contacted by the inside sulky wheel of RUBY WINGATE, with HY FILANTE then being checked and breaking gait as a result". In determining penalty Stewards considered Mr Duffy’s reserved plea, the medium level of interference and degree of carelessness, his recent record under this rule and HRV Minimum Penalty Guidelines. Mr Duffy’s license to drive was suspended for a period of four (4) weeks.

**Plea:** Not Guilty

**DECISION – STAY APPLICATION**

Mr Ryan Duffy is seeking a stay in relation to his appeal against a four-week suspension given to him in relation to a breach of Rule 163(1)(a)(iii). This arose out of his drive of Ruby Wingate in Race 5 at Ballarat on 7 December 2023. The other horse involved was Hy Filante, driven by Mr Jack Laugher.

The alleged interference occurred very early in the race. Mr Anthony Butt appeared on behalf of Mr Duffy. Mr Adrian Crowther represented the Stewards.

This application is essentially on the basis that Mr Duffy and Mr Butt are still preparing for the hearing and further that there is a dispute concerning whether this particular charge has been brought pursuant to the correct Rule. Thus, there is a potential dispute concerning fault and whether the appropriate Rule has been applied. If the charge should have been brought pursuant to Rule 165(1)(b), arguably a significantly reduced penalty would be applicable if guilt was established.

I consider this to be something of a borderline case. The closeness to the Christmas vacation and the availability of Tribunal members in the few remaining days are factors of note. The calendar is a very busy one. I also bear in mind the need for preparation referred to by Mr Butt, although I do not consider this to be a paramount factor, given the availability of material. It is more the pressure on the Tribunal relating to dealing with matters prior to the vacation.

On reflection, I am prepared to grant a stay, but will fix the hearing of the appeal on a date certain. Mr Howard advises me that the first readily available dates are 24 and 25 January 2024. In all the circumstances prevailing, I am prepared to grant a stay, but on the basis that the appeal be fixed in January 2024 and on one of those two dates. I repeat that the proximity of the vacation and the pressure upon the Tribunal in the few remaining days are important factors.

Mark Howard

Registrar, Victorian Racing Tribunal