1 February 2024

**DECISION**

**HARNESS RACING VICTORIA**

**and**

**ASHLEY MANTON**

**Date of hearing:** 1 February 2024

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

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

Mr Ashley Manton represented himself.

**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:** Driver, Ashley Manton, was found guilty of a charge under Rule 149(2). The particulars of the charge being that after driving forward from barrier 5 after the start, that from approaching the 1400m until crossing to obtain the lead near the 900m, Mr Manton drove forward and applied undue pressure to his own drive “Always Be Brendan” and in turn the leader “Petreos” (Tayla French). Stewards considered that the tactics employed during that section were unacceptable, detrimental to the overall performance of Always Be Brendan and the main contributing factor for the gelding giving ground to finish in 7th position, beaten 37.8m. After considering penalty in accordance with the HRV Minimum Penalty Guidelines, Stewards took into account this was Mr Manton’s first applicable offence under Rule 149(2), his driving frequency, overall experience in race driving and the degree of culpability, which was assessed to be mid to high range. Mr Manton’s licence to drive in races was suspended for five weeks. Post-race veterinary examination revealed no apparent abnormalities.

**Plea:** Not Guilty

**DECISION**

1. Mr Ashley Manton is a licensed A grade harness racing driver. On 6 December 2023, he drove “Always Be Brendan” in Race 3 at Swan Hill.
2. After the race, Harness Racing Victoria (“HRV”) Stewards interviewed Mr Manton. They subsequently charged him with an offence under Australian Harness Racing Rule (“AHRR”) 149(2).
3. The Stewards formed the opinion that the Rule was breached because Mr Manton drove his horse in an overzealous manner in search of the lead for a considerable distance of approximately 500 metres. This affected the horse’s chances of being competitive at the end of the race. The relevant section of the race was from the 1,400 metre mark to the 900 metre mark. By the 600 metre mark, the horse had ceased to be competitive.
4. Having viewed the video, and being informed that for the first quarter the time run by Always Be Brendan was about 30 metres faster than the average time, we consider that the opinion of the Stewards was open to them. In addition, to the extent that it is necessary for us to consider it, we agree with that decision. Although Mr Manton submitted that the horse performs best and tries harder when it leads, there is a limit to how much exertion a horse can make in an attempt to gain a lead and still remain competitive at the end of the race. That limit was clearly exceeded in this race by Always Be Brendan. The driver of the horse who held the lead after being overtaken by Always Be Brendan did not show signs of any aggressive driving to maintain that lead, in contrast to Mr Manton, who used his whip in an attempt to pass the then leader.
5. Accordingly, we dismiss the appeal against the finding of the HRV Stewards that AHRR 149(2) has been breached and we now take submissions on the question of penalty.

**PENALTY**

1. The Stewards imposed a penalty of a five week suspension. The penalty guidelines used by the Stewards have a six week suspension as a starting point, capable of reduction by any ameliorating circumstances, such as a good driving record. That factor came into play in this matter so as to reduce the penalty to five weeks. In the absence of a guilty plea, there was no need for a further reduction under the guidelines. We do not see a difficulty with that approach. Even absent the guidelines being used in relation to the imposition of such a penalty, we consider that a five week penalty seems appropriate due to previous transgressions of AHRR 149(1), which is another provision dealing, in effect, with unsatisfactory driving. The penalty should stand. This is even more so, given that the Stewards, with justification, believed that the offending in this matter was in the mid to high range.
2. Accordingly, the appeal against penalty is also dismissed. The five week suspension is to commence at midnight on Friday, 2 February 2024.

Kathleen Scully

Assistant Registrar, Victorian Racing Tribunal