8 February 2024

**DECISION**

**HARNESS RACING VICTORIA**

**and**

**RYAN DUFFY**

**Date of hearing:** 2 February 2024

**Panel:** Judge John Bowman (Chairperson) and Dr June Smith.

**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

(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 weeks.

 **Plea:** Not Guilty

**DECISION**

Mr Ryan Duffy, you are appealing the decision of the Stewards in relation to your drive of Ruby Wingate in Race 5 at Ballarat on 7 December 2023. The Stewards found that you crossed Hy Filante, driven by Mr Jack Laugher, when not sufficiently clear of that horse, causing it to break and gallop for a short distance. They assert that actual contact was made with Hy Filante and that this contributed to the break.

The Stewards found that there had been a breach of Rule 163(1)(a)(iii) and imposed a penalty of suspension for four weeks. You are appealing both the finding of fault or guilt on your part and the size of the penalty imposed. Mr Anthony Butt appeared for you and assisted the Tribunal with his submissions. Mr Adrian Crowther appeared on behalf of the Stewards. He highlighted some of the aspects of what had occurred, as shown on the video material.

We have viewed that material several times. It is apparent that both Ruby Wingate and Hy Filante contested the lead from very shortly after the start and drew approximately 15 metres or more clear of the field. You, driving, Ruby Wingate, were on the outside of Hy Filante. Both horses crossed towards the marker pegs and were being driven aggressively. It is clear that Mr Laugher was firstly forced inside a couple of marker pegs and then, as you drew ahead of him and crossed toward the pegs, contact by your sulky was made with the front leg or legs of Hy Filante, causing it to break. It galloped for a short distance, but was restrained and resumed pacing some 10 metres behind Ruby Wingate. One horse in the trailing field had to be steadied very briefly, but no significant interference with the rest of the field occurred.

We are of the view that the breach of Rule 163(1)(a)(iii) has been made out. You caused or contributed to interference to Mr Laugher’s drive, Hy Filante. The interference was comparatively clear and, leaving to one side any issue of the marker pegs, caused Hy Filante to break and gallop for a short distance. We are satisfied that contact was made with it and that the contact occurred because you crossed Hy Filante when not sufficiently clear of it.

In those circumstances, we are of the view that the breach of Rule 163(1)(a)(iii) has been made out. Your appeal on the question of liability is dismissed. We shall hear the parties on the question of penalty.

**PENALTY**

We are of the view that the penalty imposed by the Stewards of 4 weeks suspension is fair and reasonable. You do not have a good record. Mr Crowther referred to it as poor, and we would not disagree. Further, you do not get the benefit of a guilty plea. In addition, it is only some 83 drives since your last suspension for a comparable offence.

We appreciate that you are a full time driver, married, and with three young children. A four week suspension will have a considerable impact.

We again offer refer to the fact that the actual interference occurred shortly after the start and when the horses were at close to top speed. The damage done could well have been greater.

In all the circumstances, we take the view that the 4 week suspension was a fair and reasonable penalty and the appeal in relation to it is dismissed. The suspension will commence at midnight on Friday, 2 February 2024.

Mark Howard

Registrar, Victorian Racing Tribunal