22 July 2024

**DECISION**

**HARNESS RACING VICTORIA**

**and**

**ADRIAN PACE**

**Date of hearing:** 2 July 2024

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**Panel:** Judge John Bowman (Chairperson) and Mr Greg Childs.

**Appearances:** Mr Grant Adams appeared on behalf of the Stewards.

Mr Anthony Butt represented Mr Adrian Pace.

**Charge:** Australian Harness Racing Rule (“GAR”) 168(1)(a) states:

1. A person shall not before, during or after a race drive in a manner which is in the opinion of the Stewards:

1. careless.

**Particulars:** CHIEF JUJON – Shortly after the start jostled with SHOOBEE GOTCHA for a position in the running line. Driver Adrian Pace was found guilty of a charge under Rule 168(1)(a) for careless driving in that racing into the first turn, after jostling SHOOBEE GOTCHA for a position in the running line, he has then allowed his gelding to stride forward and then make contact with the nearside wheel of SPECULATOR NZ resulting in CHIEF JUJON breaking gait in addition to SHOOBEE GOTCHA and THE REGULATOR both suffering interference. Mr Pace had his licence to drive in races suspended for a period of 7 days which was ordered to commence at midnight, Saturday 1 June 2024 and to expire on Sunday 9 June 2024 on which day he may drive. When considering penalty Stewards were mindful of Mr Pace’s not guilty plea, driving and offence record in addition to the circumstances attached to this incident.

**Plea:** Not Guilty

**DECISION**

Mr Adrian Pace, you are appealing against a decision of the Stewards concerning your drive of Chief Jujon in Race 5 at Ballarat on 23 May 2024. The Stewards found you guilty of breaching AHRR 168(1)(a) – that is, guilty of the offence of careless driving. The other drivers involved were principally Ms Jackie Barker, who was driving Shoobe Gotcha and, to a lesser extent, Ms Ellen Tormey, driving Speculator. The Charge arose out of an incident as the horses were turning out of the home straight on the first occasion. You had started from barrier 8 and Ms Barker from barrier 10.

We have watched the video of the race many times. We have also had the benefit of very helpful submissions from Mr Grant Adams on behalf of the Stewards and from Mr Anthony Butt on your behalf.

Our conclusion is as follows. You settled partly behind Ms Tormey’s horse towards the rear of the field. Ms Barker was to your immediate outside. You did not wish to take a position close to the marker pegs because of your horse’s pattern of behaviour, so you were travelling one horse out from those pegs. Around about the time of passing the winning post, there was some pressure from Ms Barker on your outside. She was also calling out at you, apparently wanting you to move towards the marker pegs.

You were reluctant to do this. However, by the time the horses were approaching the turn out of the straight, she was close to being directly behind Ms Tormey. On that turn, you either pushed out or continued in a straight line. You made contact with Spectators wheel before steering your horse away from Ms Tormey. Speculator briefly galloped.

We are comfortably satisfied that you in fact moved further away from the marker pegs and that this caused the interference. This constitutes careless driving.

Accordingly, the appeal on liability is dismissed. We shall hear the parties on the question of penalty.

**PENALTY**

Mr Anthony Pace, you have been found guilty of careless driving. You are a young driver, having been an A grade driver for 4 years. You have been quite successful and obviously have a bright future.

You also have a very good record. As pointed out by Mr Butt, the vast majority of careless driving cases result in fines. Given your age and record, and bearing in mind the circumstances of the careless driving, we are of the view that a fine is appropriate. This was certainly not a frivolous appeal.

We uphold the appeal in relation to penalty and impose a fine of $200.

Mark Howard

Registrar, Victorian Racing Tribunal