15 August 2024

**DECISION**

**HARNESS RACING VICTORIA**

**and**

**JACK LAUGHER**

**Date of hearing:** 21 February 2024

**Date of decision:** 21 February 2024

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

**Appearances:** Mr Andrew Cusumano appeared on behalf of the Stewards.

Mr Carlin Grant represented Mr Jack Laugher.

**Charge:** Australian Harness Racing Rule (“AHRR”) 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:** Driver, Jack Laugher, was found guilty of a charge pursuant to AHRR 156(2)(a) for using his whip with more than a wrist only flicking motion and generating force through the use of his elbow and shoulder when driving out in the home straight. In determining penalty Stewards took into consideration Mr Laugher’s recent record which indicated that a second tier fine of $400 had been imposed some ten days prior, and HRV Minimum Penalty guidelines. Mr Laugher’s drivers licence was suspended for two weeks, with a nine day deferment granted to allow the suspension to begin at midnight on 16 January 2024.

**Plea:** Not Guilty

**DECISION**

This appeal involves a breach of Australian Harness Racing Rule (“AHRR”) 156(2)(a) in relation to Mr Laugher’s drive in Race 8 at Cobram on 7 January 2024. Mr Laugher has pleaded not guilty to the charge.

The parties in this appeal have come to an agreement as to the outcome that they seek. The ultimate decision is one for the Tribunal. However, we take into account the wishes of the parties. The Stewards and Mr Carlin Grant, on behalf of Mr Laugher, have arrived at an outcome which seems to be satisfactory and appropriate in the circumstances.

We endorse the agreement between the parties and allow the appeal. The decision of the Stewards made on 7 January 2024 to find Mr Laugher guilty of a breach of AHRR 156(2)(a) is set aside and the matter is to be remitted to a differently constructed panel of Stewards for consideration.

Kathleen Scully

Assistant Registrar, Victorian Racing Tribunal