10 September 2024

**DECISION**

**HARNESS RACING VICTORIA**

**and**

**RODNEY PETROFF**

**Date of hearing:** 27 August 2024

**Date of decision:** 27 August 2024

**Panel:** Judge John Bowman (Chairperson) and Mr Des Gleeson.

**Appearances:** Mr Daniel Borg appeared on behalf of the Stewards.

Mr Bradley Forge represented Mr Rodney Petroff.

**Charge:** Australian Harness Racing Rule (“AHRR”) 163(2) states:

 If a driver’s horse or sulky shifts inside the line of 35 marker posts, the driver shall restrain the horse and, without interference to another runner, return to a position outside the line of marker posts at the first opportunity.

**Particulars:** As the driver of ATEGO DAWN Mr Petroff directed the mare to progress to the inside of AGAINST THE BRIDLE (Ross Graham) prior to the entrance of the sprint lane where in the opinion of Stewards there was insufficient room to do so and then failed to restrain whilst racing inside the line of marker pegs therefore gaining an advantage that ATEGO DAWN was not entitled to” In determining penalty, Stewards considered Mr Petroff’s record under this rule, prior penalty precedents, the nature of this particular incident and suspended Mr Petroff’s license to drive for a period of seven (7) days. Mr Petroff was advised of his appeal rights.

**Plea:** Not Guilty

**DECISION**

Mr Rodney Petroff, you are appealing against a decision of the Stewards in relation to your drive of Atego Dawn in Race 8 at Kilmore on 4 July 2024. Atego Dawn was first past the post in this race, but was subsequently relegated to third. That does not concern us in this appeal. What is involved is that arising out of the same sequence of events you were found guilty of a breach of AHRR 163(2) and suspended for 7 days. You are appealing that decision.

AHRR 163(2) concerns shifts inside the line of marker pegs. A driver is required to restrain a horse which does this and return to a line outside the marker pegs at the earliest opportunity. The Stewards found that, in the vicinity of the home turn on the final occasion, you shifted inside the marker pegs, making contact with two of them, before continuing to take that run and eventually being first past the post.

The other horse involved and to your immediate outside was Against the Bridle, driven by Mr Ross Graham. It was leading and, at the relevant time, to your immediate outside. It is alleged that, in persisting for a run to the inside of Against the Bridle, you made contact with two marker pegs, effectively brushing the first but making more solid contact with the second. It is alleged that you in no way restrained your horse, but went on to win.

Mr Bradley Forge, who represented you, asserted that the contact with the earlier marker peg was only a fleeting contact by one wheel. The more substantial contact with the second peg resulted from pressure, if not contact, from Against the Bridle, when you were taking a run between that horse and the marker pegs and when such run was clear and available.

We have viewed the video material many times. We have also had the benefit of helpful submissions from Mr Forge and from Mr Borg, Stipendiary Steward.

We are comfortably satisfied that the Charge has been proven. We are of the opinion that, on the home turn, you did shift inside the line of marker pegs, making a more fleeting contact with the earlier peg but substantial contact with the next peg. You were partially inside the line of the pegs. There is no indication that you restrained the horse.

We are not of the view that you were effectively forced on to the pegs by Mr Graham. We are not of the opinion that there was a clear and available run to his inside, which run was at best partially caused by him whilst you were in it.

In our opinion, you took an inside run which caused you to make the two contacts with the pegs and you in no way restrained your horse whilst so doing.

Accordingly, we are comfortably satisfied that the Charge has been proven. We shall hear the parties on the question of penalty.

**PENALTY**

In relation to penalty, we are of the view that suspension for 7 days is appropriate. It seems to us to be the minimal penalty for this case. The whole system with marker pegs plays an important role and compliance with that system is essential. Accordingly, the appeal against the 7 day suspension is dismissed. The suspension shall commence at midnight on 28 August 2024.

Mark Howard

Registrar, Victorian Racing Tribunal