17 March 2025

**RULING**

**HARNESS RACING VICTORIA**

**and**

**RYAN BACKHOUSE**

**Date of Hearing:** 5 March 2025

**Date of Ruling:** 5 March 2025

**Panel:** Judge John Bowman (Chairperson).

**Appearances:** Mr Adrian Crowther appeared on behalf of the Stewards.

Mr John Iuele represented Mr Ryan Backhouse.

**Charge:** Australian Harness Racing Rule (“AHRR”) 156(3) states:

 (3) A driver shall not use a whip or rein in an unapproved manner.

**Particulars of charge:** Driver Ryan Backhouse was found guilty of a charge pursuant to AHRR 156(3) unapproved whip use in that he used his whip on more than the permitted number of times over the final 200 metres. In determining penalty Stewards took into consideration recent fines then suspensions incurred by Mr Backhouse under the same rule. A seven day suspension and a $100 fine were applied.

**Plea:** Guilty

**RULING**

Mr Ryan Backhouse, you are appealing against a decision of the Stewards following your drive in Race 1 at Mildura on 26 February 2025.

A preliminary issue, in the nature of a stay application, has arisen. For a variety of reasons, I will not go into more lengthy details, including that this matter has come on at very short notice.

I am not currently minded to grant a stay. However, I am prepared to hear this appeal on its merits on Friday, 7 March 2025 via audio link. As I understand it, you have a drive of some significance on Saturday, 8 March 2025.

I repeat that, on the basis of material currently available, I am not prepared to grant a stay, but, as stated, I am prepared to hear the appeal itself on Friday, 7 March 2025. The amount of factual material will not be great, given that the alleged offence relates to the use of the whip and is confined to an appeal of the penalty imposed by the Stewards.

Longer reasons can be provided if requested, but my Ruling is that no stay is granted and the case can be heard on its merits on Friday, 7 March 2025.

Kathleen Scully

Assistant Registrar, Victorian Racing Tribunal