

Non Raceday Inquiry RIU v G O'Reilly - Decision dated 29 May 2017 - Chair, Mr D Jackson

Rules:

Repondent(s)/Other parties:

Name(s):

Decisions:

BEFORE A JUDICIAL COMMITTEE

IN THE MATTER of the

New Zealand Rules of Harness Racing

IN THE MATTER of Information No. A5518

BETWEEN MR N YDGREN,

Chief Stipendiary Steward for the Racing Integrity Unit

Informant

AND MR G O'REILLY, Licensed Horseman

Respondent

Date of Hearing: 26 May 2017

Venue: Addington Raceway, Christchurch

Judicial Committee: Mr D Jackson, Chair - Mr S Ching, Committee Member

Present: Mr S Renault, Stipendiary Steward

Mr N McIntyre, General Manager Stewards

Date of Decision: 29 May 2017

DECISION OF JUDICIAL COMMITTEE

The Charge

[1] Information No. A5518 alleges that:

On 19 May 2017:

"Racing into the first bend you shifted inwards when not sufficiently clear of VALMAGNE who had to be restrained and then broke."

The Rules

[2] Rule 869 (3)(b) provides as follows:

(3) *No horseman in any race shall drive: -*

(a) *incompetently;*

(b) *carelessly;*

The Plea

[3] Although Mr O'Reilly did not sign the statement by the Respondent at the foot of the information form he communicated to the Registrar and to the Stewards namely Messrs McIntyre and Renault that he admitted the breach of the rule and did not wish to appear at the hearing.

Summary of Facts

[4] Mr Renault gave evidence and produced video replays to show Mr O'Reilly driving TORNADO VALLEY, who had drawn 3 off the front line, racing from the mobile barrier and improving to try and take a forward position from the mobile. As the horses approached

the first bend following the mobile start, the video plainly shows Mr O'Reilly driving TORNADO VALLEY rolling down, or at least attempting to, take the trail on the back of the lead horse MISSENDEI when insufficiently clear of VALMAGNE, driven by Mr Williamson, causing Mr Williamson - who to his credit had read the situation - to restrain his horse whereupon it broke causing VALMAGNE to lose all chance in the race. It is clear from the video that Mr O'Reilly looked before completing the manoeuvre so he must have known of the presence of VALMAGNE and Mr Williamson, but carried on with the movement regardless.

[5] Mr Renault reported that no contact was reported by either driver.

[6] The charge is admitted and it was clear on the video evidence that it was proved.

Submissions of Informant on Penalty

[7] Mr Renault stated that Mr O'Reilly was a busy driver who had 293 drives last season and 308 drives this season. He stated Mr O'Reilly's penalty record was very good and that he had no breaches of the rules in the preceding 12 months.

[8] Mr Renault stated that the JCA Penalty Guide recommended a starting point fine of \$500 and that in light of Mr O'Reilly's admission, his very good record and the lack of contact that he was entitled to a discount. However, Mr Renault submitted that there ought to be an uplift on this occasion by virtue of the higher end culpability of the carelessness here and the consequences for VALMAGNE which lost all chance in a race worth \$18,000 in prize money.

Submissions of Respondent on Penalty

[9] Mr O'Reilly was not present and did not make any submissions through the Stewards.

Reasons for Penalty

[10] In determining penalty the Committee took into account all mitigating and aggravating factors.

[11] The aggravating factors in this case are the high-end culpability of the carelessness which ended VALMAGNE's chances in the race. The trail was not available to Mr O'Reilly but he proceeded regardless. In mitigation, Mr O'Reilly's admission of the breach is a factor to his credit as is his good record.

[12] In taking the JCA Penalty Guide starting point of a fine of \$500, the aggravating factor in this case commands an uplift of \$200 to a \$700 fine. However, we are able to give Mr O'Reilly a discount of \$200 for both his admission of the breach and also for his clear record.

[13] The Committee therefore determined that a \$500 fine was an appropriate penalty.

Penalty

[14] Mr O'Reilly is fined \$500 for his careless driving on this occasion.

D Jackson S Ching
Chair Committee Member

Penalty: