

Non Raceday Inquiry RIU v L F O'Reilly - Penalty Decision dated 27 July 2018 - Chair, Mr S Ching

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. A09649

BETWEEN S RENAULT

Stipendiary Steward for the Racing Integrity Unit

Informant

AND LF O'REILLY of Rakaia, Licensed Open Horseman

Respondent

Date of Hearing: 27 July 2018

Venue: Addington Raceway, Christchurch

Judicial Committee: S Ching (Chair)

G Clapp (Member)

Present: S Renault, the Informant

Date of Decision: 27 July 2018

PENALTY DECISION OF JUDICIAL COMMITTEE

The Charge

[1] Information No. A09649 alleges that:

L O'Reilly as the driver of FLYINGMASTERWILLIAMS drove in a manner likely to cause interference near the 1600m when attempting to shift MAGICAL MACCA down the track when not in a position to do so.

[2] Mr Renault produced a letter signed by Mr MR Godber, General Manager of the Racing Integrity Unit, authorising the filing of the information pursuant to Rule 1108 (2).

The Rules

Rule 869(4) reads as follows;

(4) No horseman shall during any race do anything which interferes or is likely to interfere with his own horse and/or any other horse or its progress.

The Plea

[3] Mr O'Reilly had signed the Information that the breach was admitted. Mr O'Reilly had informed the JCA and Stewards, prior to the hearing, that he did not wish to be present at the hearing. This was confirmed by Mr Renault.

Facts

[4] On 29 June 2018 at the NZMTC meeting at Addington Raceway, Mr L O'Reilly was the trainer and driver of FLYINGMASTERWILLIAMS in Race 8, the PI & GJ Kennard Bloodstock Mobile Pace and was placed 8th in the event.

Informant's Evidence

[5] Mr Renault produced video replays of the incident which showed Mr O'Reilly, driving FLYINGMASTERWILLIAMS racing in a 2 wide, 2nd to last position, near the 1800m. Mr Renault pointed out MAGICAL MACCA, driven by Mr M Anderson, in an inside position ahead of Mr O'Reilly.

[6] Mr Renault pointed out on the video, MAGICAL MACCA, near the 1700m, push out FLYINGMASTERWILLIAMS, who had improved to the outside of MAGICAL MACCA, to a 3-wide position without cover.

[7] Shortly afterwards and near the 1600m, Mr Renault pointed out on the relevant video replays, Mr O'Reilly attempting to push Mr Anderson down the track into a 1 off position. Mr O'Reilly, on the night of the incident, had stated to the Stewards that "he was regaining his rightful position".

[8] Mr Renault stated that the films clearly showed that Mr O'Reilly was slightly behind Mr Anderson and did not have an advantage over Mr Anderson, therefore not in a position to shift him down the track. He said that while Mr O'Reilly was attempting to shift Mr Anderson down, Mr McDowell, driving GO TODDY, had improved through on the inside of Mr Anderson taking up that position.

[9] He stated that once Mr O'Reilly noticed Mr McDowell on the inside of Mr Anderson, he desisted from his attempt to shift Mr Anderson down. Mr Renault, in answer to a question from the Committee, said that Mr McDowell's horse was not affected in this incident, only Mr Anderson's and Mr O'Reilly's, as once desisting from attempting to shift Mr Anderson down, FLYINGMASTERWILLIAMS went rough for a few strides, having to be restrained.

[10] Mr Renault stated that Mr O'Reilly's actions are the reason that he was charged with driving in a manner likely to interference by firstly attempting to shift ground when not in a position to do so, and secondly attempting to shift Mr Anderson down when Mr McDowell had taken up a position on the inside of Mr Anderson.

Submissions of Informant on Penalty

[11] Mr Renault for the RIU stated that Mr O'Reilly's driving statistics showed 136 drives last season with 188 drives to date this season. He also said that he had a clear record in relation to this rule. Mr Renault submitted that the breach was above mid-range not low range as Mr O'Reilly believed the Stewards had stated at the trials on 17 July. However, Mr Renault stated that the consequences of Mr O'Reilly's driving was low in his opinion.

[12] Mr Renault stated that the JCA Penalty Guide provided a 6-drive suspension or a \$300 fine for a mid-range breach of this rule. He submitted that taking all factors into consideration, including the level of the breach, Mr O'Reilly's admission of the breach and his good record, that a fine of \$300 be considered as penalty.

Respondent's Submissions on Penalty

[13] Mr L O'Reilly provided the following written statement in regard to penalty.

I have admitted the breach of rule 869(4) as per signed form A09649.

The breach was a minor incident, there were no aggravating factors and no horses were checked, inconvenienced or had their chances diminished due to the said incident.

The breach was a minor error of my judgement at the said time of the incident (1600m point).

Mr Renault advised me at the Ashburton Trials on the 17/7/2018 with regard to the breach and that the breach was considered to be at the lower end of the scale.

I would consider that I currently have an excellent race driving record and this would be taken into account.

Reasons for Penalty

[14] The JCA Penalty Guide provides a 6-drive suspension or a \$300 fine for a mid-range breach of this rule. This Committee agreed with Mr Renault that this breach was above mid-range and warranted an uplift in the starting point. This uplift we set at \$100.

[15] Mitigating factors were Mr O'Reilly's good record and his admission of the breach which we determined warranted a combined discount. This discount we set at \$100.

[16] Taking all factors into account we determined that a fine was an appropriate penalty in this case. The level of this fine we set at \$300.

[17] Mr O'Reilly is fined the sum of \$300.

S Ching

CHAIR

Penalty: