

**Non Raceday Inquiry RIU v N Williamson - Written Decision dated 7 August 2018 - Chair, Prof G Hall**

**Rules:**

**Repondent(s)/Other parties:**

**Name(s):**

**Decisions:**

**BEFORE A JUDICIAL COMMITTEE OF**

**THE JCA AT DUNEDIN**

**UNDER THE RACING ACT 2003**

**AND IN THE MATTER of the New Zealand Rules of Harness Racing**

**BETWEEN RACING INTEGRITY UNIT (RIU)**

**Informant**

**AND MR NATHAN WILLIAMSON**

Open Horseman/ Licensed Trainer

**Respondent**

**Information:** A10527

**Judicial Committee:** Prof G Hall, Chairman

**Appearing:** Mr V Munro, Stipendiary Steward, for the Informant

The Respondent in person

**Date of hearing and oral decision:** 5 August 2018

**Date of written decision:** 7 August 2018

**WRITTEN DECISION OF JUDICIAL COMMITTEE**

[1] The informant, the RIU, has laid an information with respect to the respondent, Mr N Williamson, the driver of the horse SHINDAL in Race 9 the MORRISONS SADDLERY MOBILE PACE 3YO+ R50-R60 2000 metres at the Oamaru racecourse on 29 July 2018. The information alleges a breach of r 869(2) in that he "used his whip on more occasions than is permitted in clause (b) of the Use of Whip Regulations".

[2] Rule 869 provides as follows:

*(2) No horseman shall during any race use a whip in a manner in contravention of the Use of the Whip Regulations made by the Board.*

[3] The Use of the Whip Regulations provide:

*(b) No horseman is permitted to use their whip in a striking motion on more than ten occasions inside the final 400 metres. This is inclusive of "backhanders" and the use applies to the horse, harness and/or sulky.*

[4] Mr Munro tabled a letter from Mr M Godber, the General Manager of the RIU, dated 30 July 2018, which authorised him pursuant to r 1108(2) to lay the charge alleging a breach of r 869(2).

**Informant's submissions**

[5] Mr Munro demonstrated on the videos of the race that the respondent, driving SHINDAL, was trailing the leader as the field turned for home. As the horse straightened up the respondent urged the horse with the reins and took the passing lane run. He then used the whip, which was being held in the right hand, 9 times. There was a pause before the horse was given 6 rapid-fire backhanders. Mr Williamson stopped using his whip just before the 50 metres and used other methods of encouragement from that time.

[6] Mr Munro stated the strikes were in quick succession and the horse was given little respite.

#### **Respondent's submissions**

[7] Mr Williamson stated that he accepted the Stipendiary Stewards' count was accurate. When questioned by the Committee, he said the driver of CLIVE, the horse that won the race, was making so much noise urging his horse, that he lost concentration. He had to admit that at the end of the race he was concerned that he might have used the whip too many times.

#### **Decision**

[8] As Mr Williamson has admitted the breach, it is found to be proved.

#### **Penalty submissions**

[9] Mr Munro put Mr Williamson's record before the Committee. Mr Williamson has had 139 drives since his previous breach of the rule on 17 March last when a penalty of a \$200 fine was imposed.

[10] Mr Munro submitted a 3-day suspension was appropriate.

[11] Mr Williamson responded if this was to be the penalty, he would wish to defer it until after Gore on 11 August. Mr Munro had no objection to this.

#### **Decision as to penalty**

[12] There are 15 strikes in the last 400 metres. This is the respondent's second breach within approximately a five month period and, as his number of drives is less than 200, there is no reset period. The starting point in the Penalty Guide in these circumstances is a 3-day suspension.

[13] The breach is mid-range and there is no need to uplift the starting point. Mr Williamson is a busy driver and his overall driving record is very good.

[14] Mr Williamson is suspended from the end of racing on 11 August up to and including 23 August. This is 3 days.

Dated at Dunedin this 7th day of August 2018.

Geoff Hall, Chairman

#### **Penalty:**