

Non Raceday Inquiry RIU v K Cameron - Decision dated 31 March 2021 - 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. A13290

BETWEEN CLAIRE TIBBS

Stipendiary Steward for the Racing Integrity Unit

Informant

AND KYLE CAMERON, Licensed Open Driver

Respondent

Date of Hearing: 31 March 2021

Venue: Addington Raceway

Judicial Committee: S Ching (Chair)

R McKenzie (Member)

Present: C Tibbs, the Informant

K Cameron, the Respondent

C D Thornley, Open Driver

DECISION OF JUDICIAL COMMITTEE DATED 31 MARCH 2021

The Charge

[1] Information No. A13290 alleges that:

At the Reefton Trotting Club meeting on 14 March 2021, Mr K Cameron, as the Driver of EL SIRRAR forced an outside runner, FERNLEIGH COLLEEN to race wider on the track near the 2100m.

Mrs Tibbs produced a letter dated 24 March 2021, from the General Manager of the RIU, Mr M Godber, pursuant to Rule 1108(2), approving authorisation to lodge an Information against Mr K Cameron, for a breach of Rule 869(6)(b)(c).

The Rules

[2] Rule 869(6)(b)(c) reads as follows;

(6) Subject to sub-rule (4) hereof: -

(a) drivers are permitted to move ground inwards or outwards at any stage of the race to improve their racing position;

(b) a horse during any race shall not be forced to race wider on the track;

(c) a horse during a race shall not move ground outwards once the nose of the wider runner coming forward is in line with or past its sulky wheel and until the wider runner going forward is fully past.

The Plea

[3] Mr Cameron had endorsed the Information that the breach was not admitted, which he confirmed to the hearing. Mr Cameron also confirmed he understood the charge and Rule it was brought under.

Facts

[4] On 14 March 2021 at the Reefton Trotting Club meeting at the Reefton Raceway, Open Driver, Mr K Cameron was the Driver of EL SIRRAR in Race 3, the Hotel Reefton Liquor Centre Pace.

Informant's Submissions

[5] Mrs Tibbs gave evidence and showed video replays of the early stages of the race.

[6] Mrs Tibbs pointed out Mr Cameron driving EL SIRRAR, positioned on the pylons and behind the leading runners, with FERNLEIGH COLLEEN racing to the outside of EL SIRRAR as the field approached the 2100m.

[7] Mrs Tibbs showed, using the side on and head on films, that just after the crossing and at the 2100m, Mr Cameron shifted off the pylons and forced Mr Thornley out into a 3-wide position for a short distance. She added that FERNLEIGH COLLEEN's nose was in line or past the sulky wheel of EL SIRRAR when Mr Cameron shifted out, forcing Mr Thornley out into the 3-wide line.

Submissions of Respondent

[8] Mr Cameron stated that he had shifted out to follow the wheel of the horse ahead so that EL SIRRAR had a view of the crossing for safety reasons, as it could be an issue for runners. He said that after the crossing he was able to improve in the two-wide line as Mr Thornley had eased back and he believed he was clear of FERNLEIGH COLLEEN and entitled to shift out at that point.

[9] Mr Cameron called Mr Thornley as a witness who stated that he was wanting Mr Cameron to improve on his inside so he could get some cover for his horse. He said he was easing in order for that to happen. Mr Thornley added that he had also shifted out to a degree, approaching the crossing to give his drive plenty of room and a view of the crossing for safety reasons. He added that he was not disadvantaged by Mr Cameron's actions.

Decision

[10] We carefully considered the evidence presented and available video replays of the alleged incident. We were satisfied that Mr Cameron was positioned on the pylons with Mr Thornley to his outside in the 2-wide line, as the field approached the crossing and the 2100m. We were also satisfied that at the 2100m and just after the crossing Mr Cameron shifted out forcing Mr Thornley out from a 2-wide position to a 3-wide position for a short distance. We found the two elements of this Rule satisfied in that (1) Mr Thornley was forced to race wider on the track and (2) Mr Cameron moved out into the 2-wide line when the nose of Mr Thornley's horse was in line or past Mr Cameron's sulky wheel. We were therefore satisfied that the charge had been found proved.

Submissions of Informant on Penalty

[11] Mrs Tibbs stated that Mr Cameron had a prior breach of this Rule on 28 December 2020 at Westport where he received a fine of \$250.

[12] Mrs Tibbs stated that Mr Cameron had driven on 169 occasions so far this season with a total of 152 drives last season. She said the JCA Penalty Guide provides a \$250 fine or a 5-drive suspension as starting points for a mid-range breach of this Rule.

[13] Mrs Tibbs stated that this breach was low-range with aggravating factors being Mr Cameron's record of a previous breach 69 drives prior and that EL SIRRAR, who eventually finished in first place, gained a run he was not entitled to following the incident.

[14] Mrs Tibbs stated that the Stewards were seeking a suspension in this case as this was Mr Cameron's second offence within a 3-month period. She submitted that a 3-day suspension be considered as penalty in this case.

Respondent's Submissions

[15] Mr Cameron stated that if a suspension was to be imposed, he wished to make application for a deferment until after racing at Banks Peninsula on Monday 5 April 2021. In answer to a question from the Committee he stated that he normally drove on average 2 to 3 times per relevant meeting but had 4 or 5 at the upcoming meeting at Banks Peninsula.

Reasons for Penalty

[16] The JCA Penalty Guide provides a \$250 fine or 5 drive suspension as a starting point for a medium level breach of this Rule. We agree with Mrs Tibbs that a suspension is an appropriate penalty. We also agreed that the breach is low level and accordingly adopt a 4-drive suspension as a starting point. Aggravating factors are Mr Cameron's record and the fact that his horse has gained a run that he was not entitled to at that point of the race. These aggravating factors warrant an uplift in penalty which we set at 2 drives.

We therefore determined that a 6-drive suspension was appropriate in this case. This, we calculated equated to a 2-day suspension as Mr Cameron normally drives on 2 to 3 occasions at relevant meetings.

[17] Mr Cameron's application for a deferment until after racing at Banks Peninsula on 5 April 2021 is granted.

[18] Mr Cameron is suspended from the conclusion of racing 5 April 2021 up to and including 11 April 2021. Relevant meetings encompassed in this period of suspension are Addington 9 April and Methven 11 April 2021.

S Ching (Chair)

Penalty: