



INTERNAL REVIEW DECISION

(Internal Review Decision Notice in response to an Application for Internal Review)

PART 1: Details of Internal Review	
Internal Review Number:	Internal Review 0061-17
Applicant's Name:	G Dixon
Original Decision:	Breach of rule 149(2) of the Australian Harness Racing Rules
Original Decision Makers:	R Sanders, K Daly, S Shinn, R McCrae
Date of Original Decision:	9 August 2017
Internal Review Decision:	Original decision on charge and penalty confirmed
Internal Review Decision-Maker:	Mr Kane Ashby, Internal Adjudicator, Queensland Racing Integrity Commission.
Date of Internal Review Decision:	18 August 2017
PART 3: Summary of Internal Review Application	
<p>The Applicant, Mr Grant Dixon, driver of GOOD FEELINGS in race 5 at Redcliffe on 26 July 2017, was found guilty of a charge under Australian Harness Racing Rule 149(2) at an adjourned stewards' inquiry on 9 August 2017.</p> <p>Australian Harness Racing Rule 149(2) states: "A person shall not drive in a manner which in the opinion of the Stewards is unacceptable."</p> <p>The stewards' report from 26 July 2017 states: "Near the 1600m GOOD FEELINGS (G Dixon) hung out and when being restrained raced roughly for a short distance." "Stewards opened an inquiry into the driving tactics on GOOD FEELINGS. After taking initial evidence from driver G Dixon the matter was adjourned to enable stewards to further review the horse's previous starts."</p> <p>The stewards' report from 9 August 2017 states: "Stewards completed an inquiry that was opened into Race 5 Wednesday 26 July 2017 into driver G Dixon's tactics on GOOD FEELINGS in particular in the home straight. After considering the evidence stewards found G Dixon guilty of a charge pursuant to Rule 149 (2) in that he drove GOOD FEELINGS in an acceptable manner. The unacceptable manner that shortly after entering the home straight on the final occasion, he failed to take a run to the outside of SOMETHINGS SIZZLIN and to the inside of CHANGE MY HEART (NZ) when there was an opportunity to do so. In suspending G Dixon's licence for a period of three weeks stewards took into account Mr. Dixon's record and the number of drives he has had on a yearly average."</p> <p>The applicant sought a review of charge and penalty.</p>	
PART 4: Reasons for Internal Review Decision	
<p>Stewards' opened an inquiry into the Applicants driving tactics on GOOD FEELINGS following race 5 at Redcliffe on 26 July 2017. The inquiry in summary alleged the Applicant failed to take a run after entering the home straight when an opportunity existed. The inquiry was adjourned until 9 August 2017 to enable stewards to review GOOD FEELINGS previous race starts and betting records. Betting records on the race showed no unusual betting activity.</p>	



During the initial inquiry evidence was provided by Mr Reid Sanders (Chairman) and Mr Kym Daly (Stipendiary Steward).

Mr Sanders provided a live observation of the Applicants drive stating *"I viewed the race in the chairman of stewards tower and obviously had a lateral view across the track and lateral head on view in the home straight and thought obviously as the mobile rolled in the early stages you were, drew three horse on the two line and you progressed forward heading down probably to the running line KATNISS which showed gate speed galloped and caused a little bit of interference to the horses in front of you – from my observation thought the horse may have gone rough due to a result of its own doing or when you restrained the horse, from my observation you put it to the marker pegs, then Mr Gordon's horse MY CHANGE OF HEART who was drawn out wide on the front line, when that horse galloped he went forward and got down and ended up taking the three marker peg position in front of you and you ended up four marker peg and stayed there until entering the home straight. My concern was that there didn't seem to be a lot of vigor or urgency to attempt to obtain a run either to the inside or outside of the horses in front of you. I thought from my observation that there was a run to the inside to put yourself and I thought that there was a run opening up to the outside, but from my observation you just seemed to be following the horse forward of you and there was no vigour or urgency to be looking for a run."*¹

Mr Daly was positioned at the 500m tower and provided a live observation of the Applicant's drive stating *"---my initial concern was when you were four the pegs but you've given an explanation there with the scrimmage that occurred on the first turn. Looking across the track I had a view that takes in the length of the straight and was aware the sprint lane became available, one horse went down to the lane, I expected to see your horse moving down there at some point – Looking across the track there didn't appear to be any of your usual vigour we see from Grant Dixon, reigning up and pushing horse along and immediately after the race my concerns appear to be an opportunity to take the sprint lane for two horses you didn't take it and then also the amount of vigour."*²

The Applicant stated at the initial inquiry *"I was probably happy enough to go three fence one (inaudible) held up but elected not to go there cause it looked like the two horse was going to cross and then its galloped and I've had to go down to the pegs to avoid trouble and then after they all settled down I ended up struck on the fence cause they panned down around me after that got back into position and was stuck four fence where didn't wish to be but couldn't do much about it."* When questioned was there an opportunity to go to the sprint lane in the straight the Applicant stated *"I didn't elect to go right down, he was hanging out on the first corner and he really doesn't pull right down real good, so I thought I would try and go through the middle, there was a gap opening up (top of straight) but I was quite wary unless it was going to open right up it was too treacherous to go in there cause usually by the time they get to the winning post pulling up you just run out of room--- I couldn't really push up there."*³

The Applicants submissions in defence of the charge in summary state *"The position I ended up during the race was a result of having to avoid an incident on the first corner. It was unreasonable to place the horse in the position the stewards expected me too. I believe it was unsafe for horse and rider."* The Applicant added *"the only extra evidence I would like reviewed is the width of the Redcliffe track from the top of the home straight until the winning post."*⁴

Subsequent to viewing the race footage the reviewer finds the Applicant driver of GOOD FEELINGS was racing on the pegs at the tail of the field at the top of the home straight, when a run presented between SOMETHINGS SIZZLIN and CHANGE MY HEART (NZ). The Applicant failed to capitalize on the run or attempt to put his horse into a position to take the run and as a consequence the horse was held up for the duration of the straight. The reviewer

¹ Audio of the initial stewards inquiry 26 July 2017

² Audio of the initial stewards inquiry 26 July 2017

³ Audio of the initial stewards inquiry 26 July 2017

⁴ Internal Review Application dated 11 August 2017, part 3



acknowledges it was a tight run, however is satisfied sufficient room existed for the Applicant to display far more vigour and purpose in his driving in the circumstances.

The reviewer acknowledges field limits are set based on the circumference and width of any track to ensure sufficient room and safety of all runners. Redcliffe field limits for a mobile start is 10 with 6 on the front line. The reviewer does not accept the Applicants submissions the width of the track impacted his ability to take a run between the aforementioned horses.

The reviewer acknowledges racing is a sport that survives on wagering and the punter and connections are entitled to obtain a fair run for their money invested.

In weighing up the evidence in totality, including the Applicants submissions and context of the race, the reviewer is satisfied the charge is proven.

The Applicant has no previous disciplinary history under rule 149(2) in the past 25 years. The standard penalty for a breach of rule 149(2) in Queensland incur penalties between 3 and 8 weeks' suspension.

In weighing up the matter of penalty, taking into account the penalty precedents and Applicants respectable disciplinary history under this rule, the reviewer finds the original three week penalty is at the lower end of the penalty scale and in the circumstances is not satisfied a further reduction in penalty is proven and therefore confirms the original decision on charge and penalty.

PART 5: Review Rights following Internal Review Decision

In accordance with section 246 of the *Racing Integrity Act 2016*, as the applicant for an internal review of the original decision, you are able to apply to the Queensland Civil and Administrative Tribunal (QCAT) for an external review of the internal review decision.

An external review is commenced by lodging the appropriate forms with QCAT. In accordance with section 33 of the *Queensland Civil and Administrative Tribunal Act 2009*, an application for an external review of an internal review decision is to be made within 28 days from the day this internal review decision notice is provided to the applicant.

For further information regarding the processes for an external review of the decision, please contact QCAT:

Queensland Civil and Administrative Tribunal

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