



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 0107-18
Applicant's Name:	Clinton Sneddon
PART 2: Decision History	
Original Decision:	Breach of Rule 149(2) of the Australian Harness Racing Rules
Original Decision Makers:	D Farquharson, L Wilson, R McCrae
Date of Original Decision:	15 November 2018
Internal Review Decision:	Original decision of charge and penalty confirmed - Four (4) week suspension
Internal Review Decision-Maker:	Mr Kane Ashby, Queensland Racing Integrity Commission
Date of Internal Review Decision:	11 December 2018
PART 3: Summary of Internal Review Application	
<p>The Applicant, Mr Clinton Sneddon, driver of VILLAGE CRUISER in Race 2 at Redcliffe on 6 November 2018, was found guilty of a charge under Australian Harness Racing Rule 149(2).</p> <p>Australian Harness Racing Rule 149(2) states:</p> <p><i>"A person shall not drive in a manner which in the opinion of the Stewards is unacceptable."</i></p> <p>At the adjourned stewards' inquiry concluded on 15 November 2018, the Applicant was found guilty of a charge pursuant to Australian Harness Racing Rule 149(2) for an unacceptable drive with the specifics of the charge being that the Applicant left a trailing position behind the leader at the 1200 metre mark to shift in to the position outside of the leader, with the Applicant then repelling a challenge from ROCKNROLL AMBER, which had progressed forward three wide, placing his horse under undue pressure with quickly run sectionals. The Applicant then continued to place VILLAGE CRUISER under pressure when it commenced to yield ground. The stewards concluded that the pressure placed on VILLAGE CRUISER by the Applicant in the early stages of the race, after it had secured a favourable position behind the leader, was unacceptable and was the main contributor for VILLAGE CRUISER tiring in the concluding stages of the race. A veterinary examination of VILLAGE CRUISER failed to reveal any significant findings other than a slow post-race recovery indicative of a hard run. The Applicant entered a plea of not guilty to the charge.</p> <p>Stewards subsequently suspended the Applicant's licence for a period of four (4) weeks effective immediately.</p>	



The Applicant sought a review on charge and penalty and provided the following submissions in support of his Application:

"I feel I am not guilty of the accused charge of an unacceptable drive 149(2).

This evidence is not my opinion but is facts compiled off harnessweb.

1. I request that stewards watch replays of Village Cruiser on the following dates:

- Redcliffe 31.10.2018*
- Albion Park 26.06.2018*
- Albion Park 31.05.2018*

These races show Village Cruiser holding the position outside of the leader, which he has done on many occasions.

2. Village Cruiser's personal best time at Redcliffe is 1.58.7

3. Village Cruiser's personal time in this race was 1.58.8 (almost identical to his PB of 1.58.7)

4. To run third in this race and beat home Nikalong Henry he would have to improve 12.8m and run 1.57.7 or better which he has never run before in his 140 starts remembering his best time at Redcliffe is 1.58.7

5. In the race I left the position behind the leader to the position outside the leader, a position Village Cruiser quite regularly races. Keeping in mind the trainer's instructions was to drive the horse as a stayer. Stewards were of the opinion that I should have taken a sit on Rocknroll Amber that was three wide. That horse was driven hard with the whip at the start and if I was to take a sit on him he would have stopped in front of me (note he gave ground from the 800m mark finishing last beaten 55.70m I ran 4th finishing well ahead of him.) I was of the opinion that Narissa McMullen after going so hard early would try to slow the speed as the horse has only moderate form winning 2 starts back in a slow 2.04.3 and on that occasion driver Narissa McMullen was fined by stewards for slow sectional tittles.

6. I also question the rule 149 (2) I believe some of the leading drivers when challenged this rule in court the judge rules the rule was unfair where the stewards are the judge on their own opinions.

7. I don't believe the manner I drove Village Cruiser was unacceptable as he ran almost identical to his PB of 1.58.7 (his time was 1.58.8). It is not unreasonable for me to think Narissa McMullen would slow the speed when I left behind the leader as she did 2 starts back on that horse.

8. I concede that I was wrong in the use of my whip and I was fined under the AHR rule 156(3) for using my whip in a continuous and unapproved manner, I believe this is the only thing I did wrong and have been fined for it.

I hope this gives you a clear view of the reason I left behind the leader to race outside the leader. I hope you take the time to consider the evidence I have put forward as my reputation and integrity is at stake here."

The outcome sought by the Applicant is for the charge to be dropped.



PART 4: Reasons for Internal Review Decision

The Applicant, driver of VILLAGE CRUISER, was subjected to a stewards' inquiry following the running of Race 2 at Redcliffe on 6 November 2018. The stewards, in summary, allege the Applicant initially positioned in a trailing position behind the leader before permitting VILLAGE CRUISER to shift to the outside of the leader near the 1200 metre mark. The Applicant subsequently repelled a challenge from ROCKNROLL AMBER which progressed forward into a three wide position, which consequently placed VILLAGE CRUISER under undue pressure despite the quickly run sectionals. The stewards further allege the Applicant continued to place VILLAGE CRUISER under pressure when it commenced to yield ground.

The Applicant was subsequently charged pursuant to Australian Harness Racing Rule 149(2). The Applicant pleaded not guilty to the aforementioned charge and sought an adjournment of the inquiry. Stewards acceded to such request and subsequently resumed and concluded the inquiry on 15 November 2018.

The betting on the subject race demonstrated VILLAGE CRUISER started equal favourite at \$2.50.

Ms Robyn McCrae, Stipendiary Steward of the Queensland Racing Integrity Commission, provided her observations of the race stating *"So it appeared from my observations that the horse - it was driven out off the gate. It got a good position in behind the - on the leader's back - and then around the 1300 metre point when Trent Moffat on Rocknroll Amber elected to go three wide to work forward to a position outside the lead, you then shifted from the leader's back to the one-wide position, and when he came around you, you then tried to encourage the horse forward so that he couldn't get the death seat, and then the horse appeared to be under the whip from that point, not making any ground. And then - you then moved into a position back in on the rail and the horse ran fourth."*¹

Ms McCrae questioned *"What were your instructions for the horse?"* to which the Applicant replied *"If you get beaten for the lead pull off. Not knowing the horse I - and like - yes, I just don't know the horse, and he reckons it's one paced, but I was sort of in fifty-fifty, and then once he sort of was struggling I knew I was in trouble sort of. But I didn't know they were going to run that sort of time either."*² Ms McCrae questioned *"So why did you move from the leader's back"* to which the Applicant replied *"Well, he said if I get beaten for the lead, pull out, and not knowing the horse and, you know, I was just - like looked at its last start when it sat in the death and it ran second, and I thought maybe it's sort of tough."* Ms McCrae further questioned *"So when you pulled out and you saw Mr Moffat coming up three wide, did you think it would be a good idea to allow him to give you cover?"* to which the Applicant replied *"Well, looking at it now, yeah, but he - the trainer wanted to sort of hold it. Hold the death. And not knowing the horse, I'm only just going on what the trainer sort of said. But I've sort of watched it. Like I watched its last start when it sat in the death and ran second, but they didn't run that time. I don't know what they recorded running."*³

The official sectional times of the race demonstrated the first two quarters were run in 29.2, the third quarter in 29.3 and the fourth quarter in 30.5.

¹ Transcript of Stewards' Inquiry dated 6 November 2018, page 2

² Transcript of Stewards' Inquiry dated 6 November 2018, page 2

³ Transcript of Stewards' Inquiry dated 6 November 2018, page 3



Mr Errol O'Shea, trainer of VILLAGE CRUISER, was questioned particular to the driving instructions and overall performance of VILLAGE CRUISER and stated *"Well, I was a bit disappointed with him. He just seemed to be off his game today, to me. I mean, I did tell Clint to go out and try and lead. I didn't tell him to sit in the death. I said to him to do that to the next horse - come off the fence as soon as he could. But, I mean, certainly if I was driving I would have sat - stayed where I was on the fence, but anyway. He did pull up a little bit stressed. He was panting a bit more than usual. The vet had a look at him before and I think he's going to come back and have another (inaudible) - you know a little bit panting, as I said, and a bit more than normal. So he is suffering a little bit from the heat for sure. And the other thing I possibly was a little easy on him after he had a tough run here last - last start. So I might have been a touch easy on him after that run in his work at home, you know, because I haven't been able to hobble up and do any fast work because you can't - there's no tracks where I can hobble up."*

Ms McCrae questioned *"So your instructions to Mr Sneddon were to try and lead if possible?"* to which Mr O'Shea replied *"Yes, that's it"* to which Ms McCrae further questioned *"Not to go out to the death or anything?"* to which Mr O'Shea replied *"Not necessarily, no, but he thought - he said he thought the horse in front was going to slow up and that's why he pulled out into the death. Obviously he didn't study the form of that horse very well, because it's a fairly good horse."* Mr O'Shea conceded due to the fast sectional times the horse never received a breather throughout the race which may explain the horses post-race recovery.⁴

The stewards' report noted a veterinary examination of VILLAGE CRUISER failed to reveal any significant findings other than a slow post-race recovery indicative of a hard run.

During the resumed stewards' inquiry conducted on 15 November 2018, the Applicant provided a statement that formed part of his submissions for internal review.⁵

The Applicant's complete review submissions are outlined in Part 3 of this decision.

The Applicant submitted three previous races of VILLAGE CRUISER at Redcliffe on 31 October 2018 and Albion Park on 26 and 31 June 2018. The Applicant stated *"These races show VILLAGE CRUISER holding the position outside the leader, which he has done on many occasions. VILLAGE CRUISER's personal best time at Redcliffe is 1.58.7. VILLAGE CRUISER's personal time in this race was 1.58.8 (almost identical to his PB of 1.58.7)."*

The race footage of VILLAGE CRUISER's start at Redcliffe on 31 October 2018 demonstrated the horse was driven forward from the three wide draw in the early stage of the race and positioned outside the leader. VILLAGE CRUISER remained in that positioned and challenged for the lead with a lap to run before being placed under pressure near the 500 metre mark and was placed second in the race. The race footage of VILLAGE CRUISER's start at Albion Park on 26 June 2018 demonstrated the horse commenced from the six wide draw and raced wide in the early stages of the race before improving into the one-one position. VILLAGE CRUISER was subsequently placed under pressure near the 400 metre mark before yielding ground. The race footage of VILLAGE CRUISER's start at Albion Park on 31 June 2018 demonstrated the horse was restrained from the six wide draw and raced wide in the early stages of the race before improving into a position outside the leader. VILLAGE CRUISER was placed under pressure near the 300 metre mark and was placed second in the race.

⁴ Transcript of Stewards' Inquiry dated 6 November 2018, page 9 and 10

⁵ Exhibit 1



The reviewer accepts there are many variables that unfold throughout a race that potentially impact the speed and positioning of horses in a race. Notwithstanding, drivers, in this case the Applicant is required to adapt to such variables to an acceptable standard that provides each horse full opportunity to obtain the best possible placing in the field.

Subsequent to viewing the race footage, the reviewer finds the Applicant, driver of VILLAGE CRUSIER, commenced from the two wide line and was driven forward with the whip in the early stages of the race before positioning in a trailing position behind the leader TOM ME GUN (NZ). The Applicant remained in that position before shifting to the outside of TOM ME GUN (NZ) near the 1200 metre mark and drove forward with the whip to repel a challenge from ROCKNROLL AMBER, despite the fast early sectional times of the race. The Applicant continued to place VILLAGE CRUSIER under pressure for the duration of the final lap and the horse commenced to yield ground during this period of the race.

The reviewer finds the Applicant's drive must be objectively assessed against many aspects of the evidence, including the quality of the drive, context of the race, race footage of the subject race and previous race starts, stewards' observation, wagering, and the Applicant's seniority and experience.

The reviewer acknowledges Australian Harness Racing Rule 149(2) is designed to ensure the driver shall not drive in a manner which, in the opinion of the Stewards, is unacceptable. The Rule is designed to protect and uphold the integrity of the harness racing industry. Racing is a sport that survives on wagering, and maintaining the integrity and confidence within the harness racing industry is paramount to ensure the wagering public and participants can bet with confidence and obtain a fair run for their investment.

The reviewer finds that in the context of the race the Applicant's actions were unacceptable considering the fast sectional times of the race and the fact VILLAGE CRUSIER had obtained a favorable position trailing the leader. The reviewer finds there was no apparent reason for the Applicant to shift to the outside of the leader near the 1200 metre mark and to place VILLAGE CRUSIER under unnecessary pressure a long way from home, and as a consequence VILLAGE CRUSIER yielded ground over the final lap of the race. The reviewer, in considering the evidence and aforementioned factors, is completely satisfied the charge is proven.

The Applicant's disciplinary history notes three (3) prior offences pursuant to Australian Harness Racing Rule 149(2), the latest in October 2017. The standard penalty for an offence pursuant to Australian Harness Racing Rule 149(2) is a four (4) week suspension.

In weighing up the matter of penalty, consideration was provided to the context of the race, the Applicant's actions, experience, submissions, not-guilty plea and penalty precedents. The reviewer acknowledges each case is treated on its merits and set of circumstances and is mindful of the serious nature of the offence and the negative impact it has on the harness racing industry. The reviewer further acknowledges that any penalty imposed not only needs to be evidenced based but also act as a deterrent to likeminded individuals to ensure racing participants and the wagering public can bet with confidence and compete on a level playing field. The reviewer, in considering the evidence in totality and taking into account the aforementioned factors, finds the penalty imposed is considerate in the circumstances and therefore is not satisfied a reduction in penalty is proven and accordingly 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

Registry Location: Level 9, 259 Queen Street, BRISBANE QLD 4001
Postal Address: GPO Box 1639, BRISBANE QLD 4001
Phone: 1300 753 228
Email: enquiries@qcat.qld.gov.au