TASMANIAN RACING APPEAL BOARD

Appeal No 24 of 2024-25

Panel:	**Mr Patrick O'Halloran (Chair)**	**Appellant:**	**Mr Dylan Ford**
Adviser:	**Mr Mike Stiles**	**Rules:**	**AHRR 163(1)(a)(iii) interference**
Appearances:	**Mr Neil Finnigan on behalf of Stewards**		
Heard at:	**Conference Room Prospect Government Offices 171 Westbury Road Prospect TAS**	**Penalty:**	**3 Tasmanian race date suspension**
Date:	**2 July 2025**	**Result:**	**Varied**

REASONS FOR DECISION

1. The appellant was the driver of INSIDE THREE BARS in Race 6 at the Tasmanian Trotting Club (Prydes Easifeed Pace – 2090 meters) meeting held on 1 June 2025.

2. Following an inquiry into his drive on that date Stewards determined that the appellant had breached AHRR 163(1)(a)(iii) that is of Causing Interference. That rule relevantly provides:

   A driver shall not….cause or contribute to any….interference.

3. In providing the particulars of that charge to the appellant within the inquiry the Stewards stated:

   '…there's no doubt in the Stewards mind that the, your horse Mr Ford has shifted down into the sprint lane and there has been some interference. You've told the Stewards that the horse has over-reacted to you steering down but, nonetheless, you were steering down and the horse was keeping a straight line at that point in time. We're, Stewards, did look at the scope of the interference and what, if any, charges should be laid from the point of carelessness or right through to improper driving. We do believe that the horse has contributed somewhat to the incident, so we have dismissed the improper driving charge. But we do believe, Mr Ford, you need to answer a charge under Rule 163(1)(a)(iii) which [provides] "a driver shall not cause or contribute to any interference". Stewards in charging you under 163(1)(a)(iii) are alleging that the manner in which you drove INSIDE THREE BARS , acknowledging that the horse may or may not have contributed to the incident, has resulted in that gelding shifting down the track into the true running line of Mr Hillier's horse OURTIGER, causing the locking of wheels and both horses losing all chance at that point in time'.

4. The appellant plead not guilty to the charge. Following the inquiry, he was found guilty and his licence was suspended for three Tasmanian race dates.

5. When determining penalty, and relevant to the grounds of appeal filed by the Appellant, the Stewards determined:

> *'…unfortunately for you we don't believe we can go with a fine on this occasion. There is significant interference, its taken a horse out of a chance of running forward and running earning prize money. We did think, well we started at a four meeting suspension but on your record we're more than happy to take, well drop one off, so we do think the correct penalty is a suspension of your driving licence for three (3) Tasmanian race dates.*

6. Within his Notice of Appeal dated 9 June 2025 - appealing against conviction and penalty - the appellant asserted:

> *I respectfully submit that there were contributing factors beyond my control in relation to the incident in question, and I believe the penalty imposed does not fairly reflect my overall good record and conduct.*
>
> *Prior to the incident, the actions of another driver forced me into a compromised position on the track. This interference created uncertainty regarding my true position.*
>
> *Additionally, my horse exhibited an unexpected overreaction to a recent gear change.*
>
> *I ask that my record and the mitigating circumstances be taken into account in the review of this matter.*

7. In addition, the appellant also sought – and was granted - a stay of that penalty until the determination of this appeal. (Refer separate Stay - Reasons for Decision published on 17 June 2025). Such stay was subsequent and in addition to the stay or deferment provided by Stewards which allowed the appellant to complete driving engagements on Sunday 8 June 2025.

The Appeal

8. Within his submission to the Board the Appellant was at pains to emphasise the issues associated with the horse and what was said to be its troublesome nature and racing manners that were said to contribute greatly to the incident deemed to be in breach of the stated rule.

9. In support of this submission reference was made, and the Board observed within the available material, a number of items recorded within the gear sheet for this horse and the relevant race. These included a head pole and a murphy blind and bar bit - all of which aided in maintaining control of the horse and improving its tractability.

10. The Board observes that implicit within these submissions was that, whilst such factors were made and relied upon, they were not given appropriate weight by the Stewards within the initial determination.

11. In further support leave was sought by the appellant to provide material from recent starts to illustrate that the horse was not the easiest horse to drive. Leave was also granted to allow~~ed~~ two race replays to be shown to the Board to emphasise the submission of the appellant.

12. In very short summary it was submitted on behalf of the Stewards that all relevant matters were taken into account and the choice of charge and determination were all appropriately made

Determination on Appeal

13. The Board carefully considered the race film and received information from the adviser on this appeal Mr Stiles to assist in interpreting the race film and the submissions made by each party.

14. On consideration of each parties respective submissions to the Board and a proper review of the race film and information provided by the participants within the original inquiry the appellant's characterisation of the driving is not accepted. The Board is satisfied to the requisite level, that is we are comfortably satisfied, that this was an incident involving interference.

15. In making such a determination the Board does not observe or identify any error in the approach taken or ultimate determinations made by Stewards in laying the stated charge, its stated particulars or their general description of the driving.

16. As reflected in their ultimate decision, contrary to the submissions advanced by the appellant to this Board, stewards appropriately identified and gave proper weight to the degree to which the horse contributed to the incident. Further it is apparent in their discourse with the appellant within the hearing the Stewards were conscious of a wider range of possible charges to lay and articulated their reasons for their ultimate determination in regard to the ultimate charge proceeded with.

17. The decision of the Stewards in finding the appellant guilty of the charge is affirmed. The appeal against conviction is dismissed

Appeal Against Penalty

18. Having dismissed the appeal against conviction it then falls to the Board to determine the appeal against penalty. Such determination is more vexing.

19. In support of his submission that the penalty imposed did not *fairly reflect my overall good record and conduct* and demonstrating some industry by the appellant, he provided to the Board a summary of outcomes of the same rule breach for some 7 drivers imposed upon them within the years 2022 to 2025.

20. With reliance on this material the appellant sought to highlight a penalty range for breaches of this rule and to emphasise that the penalty of 3 races fell outside the permissible range of penalty (particularly when his racing record was compared to those other drivers).

21. The material provided (and the comparative exercise undertaken) was limited to the name of the driver, the date the penalty was imposed and the penalty. No information was provided in regard to the overall driving record of each driver nor a summary of the circumstances in which each penalty breach was committed.

22. As was tacitly accepted by Stewards INSIDE THREE BARS was a horse that possessed some difficulty in handling but that it was the appellant and not his horse that had overreacted and with his experience and ability he simply just didn't need to do what he did.

23. On behalf of Stewards it was noted that the appellant had taken the second favourite out of the race.

Determination on Penalty

24. Whilst the factors that were included in the table are significant factors and useful for comparison purposes, it needs to be borne in mind that these are only some of many factors that are properly taken into account by stewards when determining penalty.

25. It is noted that, like so many other rules, there are a great many ways in which a driver may be found to have engaged in Causing Interference such that it is difficult to identify a strict penalty range or tariff for conduct of this type.

26. As has been observed in other jurisdictions:

    - even when a sentencing range for comparable offending can be established, its use is limited. The existence of a range does not mean that every penalty must fall within it.
    - At first instance Stewards, and then if its jurisdiction is invoked – this Board, must make its own evaluation of the gravity of the breach in light of all the circumstances.
    - Where a penalty is outside the range of comparable offending, it is not determinative of the issue; but merely serves to increase the level of scrutiny
    - It is of course important to attempt to achieve consistency in the application of relevant considerations impacting on penalty and penalty imposition.
    - A table of matters, such as the appellant provided, may inform a broad understanding of the appropriate range of sentences, but it does not fix the boundaries.

27. With all that considered in the above manner the penalty imposed in this matter, particularly in consideration of the appellant's strong driving record (as was noted by the Stewards (refer above)) the Board determines that this is a matter where the imposition of penalty militated against the more stern specific deterrent penalty that can be seen to have been imposed and which in all the circumstances should have been moderated.

28. Such a view is not to cast aspersions on the appropriateness of the Stewards indicating that an appropriate starting position for the matter was in the range of four Tasmanian race dates.

29. In those circumstances it is appropriate for the Board to vary such penalty and reduce it from 3 Tasmanian race dates to 2 Tasmanian dates.

30. In accordance with section 99(4) and 99(5)(d) of the Act, 25% of the appellant's prescribed deposit is to be forfeited to the Secretary of the Department. The appellant is also ordered to pay 25% of the cost incurred in the preparation of the transcript in accordance with section 99(8) and 99(9)(c) of the Act.

DATED: 22 SEPTEMBER 2025