



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 0027-19
Applicant's Name:	Nathan Dawson
PART 2: Decision History	
Original Decision:	Breach of Rule 165(1)(a) of the Australian Harness Racing Rules
Original Decision Makers:	D Farquharson, N Torpey, D Kay, G Goold, N Finnigan
Date of Original Decision:	30 March 2019
Internal Review Decision:	Original decision of charge and penalty confirmed – Three (3) week suspension
Internal Adjudicator:	Mr Kane Ashby, Queensland Racing Integrity Commission
Date of Internal Review Decision:	2 May 2019
PART 3: Summary of Internal Review Application	
<p>The Applicant, Mr Nathan Dawson, driver of OUR MAJOR DAY in Race 1 at Albion Park on 30 March 2019, was found guilty of a charge under Australian Harness Racing Rule 165(1)(a).</p> <p>Australian Harness Racing Rule 165(1)(a) states:</p> <p><i>“From the start through the first turn, and until reaching the next straight, a driver shall:</i></p> <p><i>(a) maintain with the inside wheel of the sulky course which is at least 30cm wider on the track than the course being made good by the outside wheel of the sulky of the horse that is racing in the next position closer to the inside running line.</i></p> <p>At the stewards' inquiry conducted on 30 March 2019, the Applicant was found guilty of a charge pursuant to Australian Harness Racing Rule 165(1)(a) with the specifics of the charge being that the Applicant failed to give the sufficient clearance required when attempting to cross RUTHLESS ARMBRO (Grant Dixon) on the first turn after the start, resulting in RUTHLESS ARMBRO being placed in restricted racing room and racing roughly and consequently resulted in the gelding losing the lead. In assessing the matter of penalty, Stewards took into account the Applicants recent disciplinary history regarding interference type matters.</p> <p>Subsequently, Stewards directed that the Applicant would be suspended for a period of three (3) weeks to commence midnight Saturday, 27 April 2019.</p> <p>The Applicant sought a review on charge and penalty and submitted the following in support of their application:</p>	



“Pre-race Information

Nathan Dawson drove Our Major Day (Drawn 4) with Ruthless Armbro being driven by Grant Dixon (Drawn 1).

Tactically driving instructions from the trainer Richard March were to utilise a perceived superior speed advantage from Our Major Day and take the lead.

The race was a walk upstart.

The evidence presented herein will be based on the video time on www.harness.org.au

The race and events leading up to Ruthless Armbro breaking gait.

As the start commenced Our Major Day in the first fifty meters quickly establishes a half length advantage.

Driver Dixon clearly attempts to hold the lead by driving Ruthless Armbro with urgency.

At the video point (time 5.3) Ruthless Armbro clearly misses its stride for about 25m approaching the winning post.

Driver Dawson persists for the lead as a result of Ruthless Armbro mixing stride.

Ruthless Armbro recovers its gait somewhat until video point 9.8 at which point Our Major Day was racing at its tightest proximity to Ruthless Armbro. Mr Dawson at this point corrects the close proximity of Our Major Day by shifting Our Major wider.

At the 9.8 video point Ruthless Armbro continues with a fluent gait whilst commencing the home turn.

At the 12.4 video point Our Major Day is now racing clearly outside of Ruthless Armbro with a greater gap between horses (approximately 30cm from wheel to wheel).

Also at this 12.4 video point there is no scope for Mr Dawson crossing as the wheel of Our Major Day is at the saddle of Ruthless Armbro.

At this point Our Major Day continues to apply pressure for the lead due to the fragility of Ruthless Armbro's gait.

Ruthless Armbro is now under serious pressure as a result of being pushed at full speed into the home turn as well as the pressure for the lead from the outside horse.

At this point Our Major Day continues with a 30cm clearance. Ruthless Armbro however once again breaks stride.

The Ruling—Insufficient Clearance AHR 165 (1)(a)

The ruling 'Insufficient Clearance' is typically issued for horses that are shifting ground to cross for the lead whilst not being sufficiently clear of the legs of the impeded runner.

The ruling states that the sulky must be one meter clear of the extended front legs of the impeded runner whilst maintaining a 30cm width clearance.

At the point of Ruthless Armbro breaking gait (video point 12.4) the only dimension of concern was the 30cm aspect of the rule. Visually, evidence is clear that no breach of this aspect of the rule was broken.



In terms of the evidence provided by Mr Dixon at the inquiry on the night, it can be agreed that there was a moment where the tightness in proximity to Ruthless Armbro was slightly less than 30cm at which point Mr Dawson took immediate corrective action.

It was also agreed in the presentation of evidence from both drivers that at no point was any contact made between horses.

It is apparent that the charge of Insufficient Clearance does not relate appropriately to the circumstances of the interference. Mr Dawson does however recognise the requirements and obligations of the ruling governing "Shifting Ground". It can be interpreted that Our Major Day shifted some ground toward Ruthless Armbro at the 9.8 video point. This brief shift was quickly corrected and was not a cause of Ruthless Armbro breaking gait."

PART 4: Reasons for Internal Review Decision

The Applicant, driver of OUR MAJOR DAY, was subjected to a stewards' inquiry following the running of Race 1 at Albion Park on 30 March 2019. The stewards, in summary, allege the Applicant failed to provide sufficient clearance room required when attempting to cross RUTHLESS ARMBRO (Mr Grant Dixon) on the first turn after the start, resulting in that horse being placed in restricted racing room and racing roughly and as a consequence lost the lead.

The betting data on the subject race demonstrated OUR MAJOR DAY started second favourite at \$3.80 and RUTHLESS ARMBRO started favourite at \$2.25.

Mr David Farquharson, Chairman of stewards (Harness) of the Queensland Racing Integrity Commission and Chairman of the inquiry provided an observation of the incident stating; *"---This matter relates to an incident which occurred leaving the front straight on the first occasion after the start, and the start being a 2138-metre race, which constitutes a start in the front straight and then 2 laps of the winning post. Mr Dixon's horse, Ruthless Armbro, had drawn in barrier number 1, and by virtue of the scratching – no, barrier number 4 was Nathan Dawson, and it drew in barrier number 4 outside Misterriodejaneiro and My Ultimate Fella. It was squeezed out at the start and that left just Misterriodeganeiro racing to the inside of Mr Dawson, and Our Major Day showed good speed from the gate – from the starting point – to progress forward. Approaching the winning post I felt that Our Major Day drew an advantage over Ruthless Armbro, but that mare – that gelding was still racing to the inside of the sulky wheels of Our Major Day. It appeared that the racing room afforded to Ruthless Armbro was quite tight at that stage. Mr Dawson was driving hard with Our Major Day in an attempt to gain a position in front of Ruthless Armbro, but I felt when the horses passed the winning post and raced towards the turn that Ruthless Armbro was restricted for racing room by the movement of Our Major Day down the track, and shortly after the gelding faulted and raced roughly momentarily. Mr Dixon was able to gather him up and then settle in a position behind Our Major Day. But I felt that it lost its advantage at that point through being placed in quite restricted room".¹*

During the stewards inquiry conducted on 30 March 2019, Mr Dixon driver of RUTHLESS ARMBRO which was racing to the inside of OUR MAJOR DAY was questioned "Is there any comment you can make?" to which Mr Dixon replied "No, sir." Mr Dixon was questioned "--in your view, why did the horse race roughly?" to which Mr Dixon replied "Oh, it was just in restricted room there. Probably - I don't know whether he might have balked at a peg as well".²

¹ Transcript of Stewards inquiry dated 30 March 2019 page 2.

² Transcript of Stewards inquiry dated 30 March 2019 page 2 and 3.



The Applicant driver of OUR MAJOR DAY in evidence stated “-- I come out hard in an attempt to lead. As I was coming down the track it may have got a little tight (inaudible) too tight and when Mr Dixon appealed for room I checked off him. After I checked off him his horse went rough and then I continued again and crossed down.” The Chairman of inquiry questioned “ -- you hadn't quite had enough speed to clear his front legs, did you, at that stage?” to which the Applicant replied “Yeah, I know - I didn't make any contact whatsoever, and as soon as Mr Dixon appealed for room I checked off him”.³

Subsequent to viewing the steward's patrol race footage of the incident the Applicant stated “-- I don't believe I had anything to do with the horse going rough. If you watch earlier he goes rough as well. He's not the best gaited horse, sir. I'm well out of the way before his horse goes rough.” The Chairman of inquiry questioned “What do you say about that (regarding the Applicants aforementioned comment), Mr Dixon?” to which Mr Dixon replied “--He did put a skip in in the straight line there.” The Chairman of inquiry questioned “And after the turn where he goes rough here, is that anything relating to the earlier skip?” to which Mr Dixon replied “--I don't think so, no”.⁴

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

The Applicants submissions in part state “At the video (time 5.3) RUTHLESS ARMBRO clearly misses its stride for about 25m approaching the winning post. Driver Dawson persist for the lead as a result of RUTHLESS ARMBRO mixing stride.” The reviewer accepts approaching the winning post and prior to the incident the subject of review occurring, RUTHLESS ARMBRO skipped and missed stride which is consistent with the race footage and Mr Dixon evidence. Notwithstanding, the reviewer finds such incident was not related to the incident the subject of review which is further supported by the race footage and the aforementioned evidence of Mr Farquharson and Mr Dixon.

Subsequent to viewing the race footage, the reviewer finds the Applicant, driver of OUR MAJOR DAY, commenced from the three wide position on the front row and permitted OUR MAJOR DAY to shift in on the first turn when not clear of RUTHLESS ARMBRO, resulting in RUTHLESS ARMBRO being tightened and placed in restricted room before racing rough and as a consequence lost ground. The reviewer acknowledges the Applicants submissions in part stating “ -- it can be argued that there was a moment where tightness in proximity to RUTHLESS ARMBRO was slightly less than the 30cm at which point Mr Dawson took immediate corrective action. I was also agreed in the presentation of evidence from both drivers that at no point was any contact made between horses”

The reviewer accepts subsequent to the Applicant permitting OUR MAJOR DAY to shift in on the first turn, attempted to correct his horse, however such corrective action was subsequent to RUTHLESS ARMBRO being tightened and placed in restricted room before racing rough and as a consequence lost ground. The reviewer further accepts there was no contact between the aforementioned horses, nor is it a requirement for contact to occur to prove the charge the subject of review.

The reviewer in carefully considering the evidence and aforementioned factors, including the Applicants submissions is completely satisfied that the charge the subject of review pursuant to Australian Harness Racing Rule 165 (1)(a) is proven.

³ Transcript of Stewards inquiry dated 30 March 2019 page 3.

⁴ Transcript of Stewards inquiry dated 30 March 2019 page 4.



The Applicant's disciplinary history demonstrates the previous offences pursuant to Australian Harness Racing Rule 165 was in August 2017, which incurred a three (3) week suspension. The standard penalty for an offence pursuant to the aforementioned rule is in the vicinity of three (3) weeks suspension.

In weighing up the matter of penalty, consideration was provided to the Applicant's actions, experience, interference suffered, not guilty plea, disciplinary history and penalty precedents. Taking into account the aforementioned factors, the reviewer finds the original penalty is consistent with the penalty precedents and accordingly is not satisfied a further reduction in penalty is proven in the circumstances 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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