

# **NEW SOUTH WALES HARNESS RACING APPEAL PANEL**

**APPEAL PANEL MEMBERS**  
**Hon. W Haylen KC**  
**J Moore**  
**P Fletcher**

**MONDAY 11 SEPTEMBER 2023**

**APPELLANT LUCAS RANDO**

**RESPONDENT HRNSW**

**AUSTRALIAN HARNESS RACING RULES**  
**168(1)(a)**

## **DECISION**

- 1. The Appeal against the decision of the Stewards is dismissed.**
- 2. The penalty of 7 days suspension is confirmed.**

1. Driver Mr Lucas Rando has appealed against a 7 day suspension incurred on 24 August 2023 when driving the horse Outside Fighter in race 8 held at Bankstown Harness racing Club. The Appeal was limited to the question of penalty.
2. The Stewards inquiry arose in circumstances where it appeared that around the 100 metre mark his horse made contact with the horse in front, Jilliby Dingo, resulting in Mr Rando's horse being checked and galloping.
3. Mr Rando told stewards that his horse was "in a right mood", was not "steering great" in the run and that when he went to steer the horse out "he sort of half rejected it." He agreed that the horse came out quite sharply but said that he was hard to steer, and either "overacts or won't go at all." In addition, Mr Rando said that the horse in front of him, Jilliby Dingo, "just stopped", which made things a lot harder.
4. The Stewards noted that Jilliby Dingo was weakening at this point but that it appeared that Mr Rando was getting very close to that horse and had pulled it out at quite a sharp angle prior to his horse contacting the other horse's wheel and then galloping. When asked if he could have eased prior to moving wider to get away from the wheel of the other horse, Mr Rando conceded that he probably should have grabbed back a little and tried to go back in behind him, then forward. However, he said it was hard to do so when they are stopping in front of you. Mr Rando also accepted that hitting a wheel was not ideal and raised significant safety concerns.
5. Following that discussion and viewing the video replay of the race, the Stewards asked Mr Rando to answer a charge under AHRR 168(1)(a), namely, "A person shall not before, during, or after a race drive in a manner which in the opinion of the Stewards, is careless". The Particulars of the charge were: "That Mr Rando, as driver of Outside Fighter in race 8 at the Bankstown Paceway meeting on Thursday 24 August 2023, has in the home straight on the final occasion passing or approaching the 100 metres allowed Outside Fighter to contact the offside wheel of Jilliby Dingo, resulting in your runner being checked and galloping over the concluding stages." Mr Rando pleaded guilty to that charge.
6. In the discussion about penalty the Stewards spoke of considering the incident in its totality, the safety of other drivers around Mr Rando and also the fact that Jilliby Dingo was weakening at the stage of the incident. However, the Stewards did not believe that at the point of contact with that horse, Jilliby Dingo was dropping any quicker than it had been leading up to that point.
7. Two matters arise from a viewing of the video. Firstly, the Panel is not convinced that Mr Rando's horse was intractable during the race. Secondly, it is not at all clear that Jilliby Dingo was weakening at the relevant parts of the race. The horse appears to maintain his pace until the late stages of the race but others were clearly increasing their pace.
8. The Panel also agrees with the Stewards submission that by reference to a number of still shots it is demonstrated that Jilliby Dingo maintains a straight course and did not shift ground in any manner which contributes to Outside Fighter making contact with its sulky wheel.
9. On consideration of the matters referred to above the Panel considers that the cause of the contact between the two horses was the failure of Mr Rando to restrain his horse, which was very close to the head of the driver of Jilliby Dingo, and thus give himself room to safely move out and pass that horse.

10. At the hearing Mr Rando raised a new issue for consideration. By reference to three separate cases where \$200 fines were imposed, it was submitted that his case was so similar that the same result should apply to this matter. The Panel was shown video replays of these races and commentary was provided by the parties. The Panel is of the view that while there were some similarities in these cases, that ultimately they were different and of no guide to a decision in this case.
11. Mr Rando has not been able to persuade the Panel that his appeal be upheld. Therefore, the Appeal is dismissed and the 7 day suspension is confirmed.

Hon Wayne Haylen KC – Principal Member  
Ms J Moore – Panel Member  
Mr P Fletcher – Panel Member

13 September 2023