
Outcome of Objection(s)

Objection

On Wednesday 11th January 2023, stewards of the Office of Racing Integrity received two written objections to *Hes Ideal* being permitted to start in the Harding's Hotmix Devonport Cup. The objections were lodged pursuant to Australia Harness Racing Rule (AHRR) 175(1).

'A person who questions the eligibility of horse to start in a race may lodge an objection with the Stewards'.

The grounds of both objections being that *Hes Ideal* had not complied with Clauses 46.7 and 46.9 of the *Office of Racing Integrity - Harness Racing Policies and Procedures*.

Clauses 46.7 and 46.9 read:

46.7 - All horses that are qualifying must complete the full distance of the trial satisfactorily and meet the following Qualifying Time Standard at the particular track and distance.

46.9 - In order to qualify, a horse must complete a full trial distance in a satisfactory manner including tractability and time standard.

Decision maker

Concerns were raised in relation to the ability of the stewards to consider the objection independently.

I do not consider that there is any merit to this. However, I have determined it appropriate, as the Director of Racing, to utilise the provisions of Australian Harness Racing Rule 300 to exercise the powers conferred on the stewards to determine this objection.)

AHRR 300 states: *'The Controlling Body or a person authorised by the Controlling Body may exercise the powers conferred on the Stewards or upon the Chairman of Stewards or Deputy Chairman of Stewards, by the rules.'*

Background

1. *Hes Ideal* is a 6YO gelding trained by Ms Emma Stewart.
2. On Monday 9th January 2023 *Hes Ideal* was an acceptor in Heat 6 at a trials meeting conducted by the Carrick Pacing Club.

3. The sole purpose of *Hes Ideal* attending the trial was to gain approval to start in standing start races.
4. *Hes Ideal* duly performed to the satisfaction of the steward in charge with respect to standing start requirements of the trial and its record was amended accordingly.
5. *Hes Ideal* was subsequently entered and accepted for a standing start race at the Launceston Harness Racing Club meeting on Saturday 14th January 2023. The race accepted for being the Race 6 the Hardings Hotmix Devonport Cup.

Policy

6. It is my view that the intention of the policy in relation to qualifying trials is that the stewards ultimately retain the discretion provided to them to determine such matters both within the Rules of Racing and the *Racing Regulation Act 2004*.
7. Whilst Clauses 46.7 and 46.9 require that horses meet set criteria, it is my view that these clauses are not to be read in isolation, but rather must be read in conjunction with other clauses contained within Part 46 of the document. More particularly Clause 46.8 which reads:

‘Some matters taken into consideration in assessing the qualifying of a horse will be its manners, competitiveness, time of the trial, opposition (if above rating), track conditions, the way the trial was run and any other matters that the Steward in charge deems fit.’
8. I disagree with the view posed within the objections, namely that clauses 46.7 and 46.9 provide the only circumstances that a horse can be deemed qualified.
9. This aligns with the current accepted practices of the stewards where it is not uncommon for horses to be qualified in variety of circumstances where the provisions of 46.7 and 46.9 are not met – including instances when the time standard is not met.
10. It is clear to me that Clause 46.8 retains the appropriate of discretion for the stewards to consider any other factors they deem relevant.
11. In considering the application of the policy guidelines, I found it appropriate to consider the base reason for undertaking qualifying trials – that being, to determine the suitability of a horse to nominate for races – with specific consideration to the fitness, competitiveness and tractability. If suitability can be appropriately demonstrated to the stewards, then horses should be deemed qualified and not excluded unnecessarily.
12. In summary, I am satisfied that the stewards have ultimate discretion in relation to determining whether a horse is suitably qualified when reflecting on clauses within Part 46.

Analysis of Eligibility of *Hes Ideal*

13. I turn to the matter of the eligibility of *Hes Ideal* as articulated within the objection.
14. In considering the matter I have recognised the following:
 - a. *Hes Ideal* was competing in the trial for the sole purpose of being approved to start in standing start races. The trial distance and standing start requirements were met.
 - b. *Hes Ideal* had raced and won the previous evening at Hobart over a distance of 2579m. It was reasonable (and in concert with welfare provisions of the Rules) for the horse not to be further extended during the running of the trial considering that it had participated in a maximal effort less than 24 hours earlier.
 - c. In terms of the acquittal of all requirements, the issue can be summarised in the following terms:
 - a. Standing start completed to the satisfaction of the steward on 9 January 2023;
 - b. Full trial distance completed in a satisfactory manner on 9 January 2023; and
 - c. Completion of in excess of the full trial distance under the relevant mile time standard on 8 January 2023.
15. I am satisfied that *Hes Ideal* contemporaneously demonstrated the ability to acquit all requirements of qualifying and accordingly the horse is suitably qualified to race in standing start races.

Outcome of Objections

I make the following determinations:

- Having considered the relevant factors, I find no reason to interfere with the decision of the Steward in charge of the trials meeting to qualify *Hes Ideal*.
- The horse remains eligible to compete in standing start races from 9 January 2023 and accordingly remains eligible for the Devonport Cup on 14 January 2023.

Justin Helmich
Director of Racing