

**NEW SOUTH WALES
HARNESS RACING
APPEAL PANEL**

**APPEAL PANEL MEMBERS
Hon W Haylen KC
J Murphy
P Fletcher**

23 November 2024

**APPELLANT MOLLY ISON
RESPONDENT HRNSW**

**AUSTRALIAN HARNESS RACING RULES
149(2)**

DECISION

- 1. The Appeal Panel makes the following findings: (a) The Appeal is dismissed; (b) The decision to suspend Ms Ison for 28 days is upheld; (c) The suspension shall commence from 21 November 2024.**
- 2. The Appeal fee is forfeited.**

1. On 8 November 2024, HRNSW Stewards opened an inquiry into the tactics adopted by driver Ms Molly Ison whilst driving the horse Sinbinned in race 2 at Newcastle Harness Racing Club. The Stewards expressed concern in the tactics she adopted during the race. When asked by Stewards what instructions had been given to her for this race, Ms Ison said that it was thought that the horse could cross the 1 and 2 horses pretty easily, noting that the horse had performed better as a 'sit-and-sprint horse', so she wanted to get to the pegs and hand up to either the 4 or the 10, whichever got there first. It was thought that they were the two horses in the race to follow. Those instructions were given to her by the trainer, Mr Roy Roots Jnr.
2. Ms Ison told the Stewards that as the race panned out she could not cross the 2 horse and was stuck three wide. Going into the turn, the 2 horse crossed the 1 and she was next to it when it crossed into the turn and another horse followed the 2, and it was just too quick for her. She did not want to be in 'the death', she was three wide and so restrained her horse. Her horse had a hard enough run to start with. Asked by the Stewards what was her reason for restraining her horse, she said that the 4 had crossed already and was in front. She did not think it was going to hand up the lead and she did not want to be stuck out wide. When asked if there was an opportunity to just have a look if there was a position outside the leader, as she was very close to it, Ms Ison replied that there would have been that opportunity but her horse was 'not a death seat horse', and she would have finished last. The Stewards pointed out that from the video, when she commenced to restrain her horse prior to leaving the back straight, her driving did not change and she continued to restrain back towards the rear of the field.
3. The Trainer of Sinbinned, Mr Roy Roots Jnr also gave evidence to the Stewards. He said his instructions to Ms Ison were to probably go forward and get across to the inside and then hand up to another horse in the race. He thought it might have been an option to take a sit and roll along in front. If that did not work his instructions were to lead and hold the front, but that did not happen. Later in his evidence Mr Roots stated that 'it wasn't a great drive' by Ms Ison. He agreed that at one point a position could probably have been found by the horse. When asked that at a particular stage of the race, would he have restrained the horse all the way back to the rear of the field, over

a mile, Mr Roots said that Ms Ison probably should have kept going and sat outside the leader. Finally, Mr Roots told the Stewards that there was no foul play in this race and that Ms Ison was not doing anything wrong. She was just trying to stay out of trouble without knocking anyone down.

4. After a detailed investigation conducted by the Stewards, Ms Ison was charged with a breach of AHRR149(2), namely, that a person shall not drive in a manner which in the opinion of the stewards is unacceptable. The particulars of the charge were that :Ms Molly Ison, as the driver of Sinbinned in race 2 at the Newcastle meeting on 8th of November 2024, did shortly after the start elect to restrain your drive when racing to the outside of the Thripenny, Mr Andrew's drive, when it was reasonable and permissible for you to shift down the track with that runner, which would have afforded you the position outside of the leader. As a result of that action you allowed Glitter Strip, which was being driven with restraint, to improve to your inside, which obliged you to race three wide for the section of the race approaching the turn into the home straight on the first occasion, and during this time you elected to restrain to the rear of the field, resulting in Sinbinned conceding 20 metres to the lead and thereafter being forced to attempt to improve from the rear of the field and thereafter being forced to attempt to improve from the rear of the field in a three-wide position, then being forced wider from the 350 metres, resulting in Sinbinned not being afforded its most favourable run and its opportunity to finish in its best position.
5. Ms Ison pleaded not guilty to that charge. In considering that plea, the Stewards noted her lack of urgency in attempting to obtain the position outside of the leader and somewhat the lack of awareness of where she was on the track at that stage. Stewards found her actions at that point of the event to be unacceptable and the reasons for going back and having to cover the amount of ground that she did was as a result of that lack of urgency or lack of awareness of where she was on the track entering the first turn to find a position in the running line without over-exerting her runner. The charge as particularised, was found to be sustained.

6. In determining an appropriate penalty the Stewards noted that Ms Ison had employment outside harness racing and although she had 247 drives over 2 years, she had only 73 drives during 2024. She had enough drives but was still in the infancy of her driving career. The Stewards then applied the penalty guidelines, starting with a 10 week suspension. A four week reduction was granted for this being her first offence under AHRR149(2). The Stewards noted that Ms Ison was still inexperienced but was not driving as much this year, allowing a further reduction, thus producing a penalty of four weeks or 28 days suspension.
7. Ms Ison has appealed to this Panel and seeks to set aside the conviction and therefore, the penalty of 4 weeks suspension. At the hearing the Stewards produced a detailed, step by step analysis of the shortcomings of Ms Ison's drive, supported by video snaps at a number of stages of the race. It was submitted that once it was clear that she was not going to take the lead, her attention should have turned to obtaining the next most favourable position. Later in the race Ms Ison failed to shift in, enabling Glitter Strip to improve on her inside, leaving her to remain three wide. Ms Ison then restrained the horse to the end of the field. From this position she drove her horse extremely wide rounding the final term.
8. In the submissions for Ms Ison there was an emphasis on the horse's generally weak form, noting that the death seat was its least favourite position. The horse was described as not being very brave. It was also suggested that if the Steward's view was followed the horse would be three wide for too long.
9. The history of the horse shows mixed results and some wins and placings. In this race it was third favourite at \$4.40. Clearly, there was some support for the horse but the backers received little during the running of the race. While this issue has some weight it is the lack of insight exhibited by Ms Ison after the horse was not able to lead, as instructed. The Panel is satisfied that the shortcomings described in detail and shown in the video of the race supports the terms of the charge laid under AHRR149(2).

10. Having reached that decision, the Appeal Panel makes the following findings: (a) The Appeal is dismissed. (b) The decision to suspend Ms Ison for 28 days is upheld. (c) The suspension shall commence from 21 November 2024. (d) The Appeal fee is forfeited. The Panel also asks the Stewards to consider recommending Ms Ison as a participant in the Harness Racing mentoring program.

Hon Wayne Haylen KC – Principal Member

Mr J Murphy – Panel Member

Mr P Fletcher – Panel Member

23 November 2024