

HEARING DETAILS

Date	3 rd February 2023
Time	8.00 PM AEST
Venue	Via Zoom:
Tribunal Panel	<ul style="list-style-type: none"> ▪ Brian Wright (Chair) ▪ Paul White ▪ Matthew Bateman
Appellant	Brett Robinson on behalf of Chloe Mannix-Power
Independent Observer	Dominic Condello (VAL Board member)

PROCEEDINGS

Panel briefing and prehearing	5:00pm	Procedural Briefing – Matthew McDonough (Via Zoom)
Tribunal prehearing discussion	5:05pm	Tribunal hearing panel discussion (Via Zoom)
Hearing Commence	6:15pm	Panel, Appellant, Handicapper (s) & Witnesses
Hearing Procedure/Overview	6:15pm	Panel Chair – Via Zoom
Handicapper (s)		David Haigh (Director of Handicapping) / Colin Lane (Sprint Handicapper)
Witness 1		Robert Lehmann (Chief Steward)
Appellant		Brett Robinson
Panel Deliberations		Panel – Via Zoom
Findings		Panel Chair – Via Zoom
Meeting closed	7:00pm	

HEARING MATTER

Appeal from Trainer **Brett Robison** regarding the allocated handicap for athlete **Chloe Mannix-Power** being 3.75m in the Women's 120m at Maribyrnong Gift Sunday 5th March 2023.

Chloe is an OGA Athlete (refer below for definition), the appeal from Brett Robinson is centred on a section in the VAL Handicapping Guidelines around a lift in Handicap for OGA athletes. It is Brett's view that as per the below extract and as per prior conversations with the VAL Tribunal and Handicappers, that a lift is warranted.

OGA athletes are not guaranteed a lift in handicap for any event and can be re-assessed at any time at the discretion of the VAL Handicappers, if warranted. However, OGA athletes will have their handicap reviewed after an SP and can receive a handicap lift within the range provided in Schedule 1, at the discretion of the Handicapper.

VAL Regulations – Hearing

In hearing appeals relating to handicaps, the appropriate standard to which the VAL Tribunal must be satisfied is on the balance of probabilities, i.e. it is more reasonable than not that the Athlete's argument is acceptable and that the original handicap is incorrect, anomalous or unjust in the circumstances

The Handicap Appeal Panel may either dismiss the appeal or they may uphold the appeal and in doing so re-handicap taking into account the relevant matters presented in the appeal hearing.

HANDICAP GUIDELINES

OGA Athletes

(including New & Novice Athletes) An Ongoing Assessed Athlete (OGA) is any athlete who does not satisfy the established athlete criteria over a particular distance. All interstate, new and novice athletes are classified as OGA over all distances. All participants in events that are conducted on 8 or less occasions during the past 2 seasons are classified as OGA in that event.

An athlete may be classified as OGA in a single event or multiple events, depending on the number of performances over a particular distance. Athletes can be Established in one event distance group and OGA in another distance group i.e. 110m/120m is a distance group, 300m/400m is another distance group.

OGA athletes are not guaranteed a lift in handicap for any event and can be re-assessed at any time at the discretion of the VAL Handicappers, if warranted. However, OGA athletes will have their handicap reviewed after an SP and can receive a handicap lift within the range provided in Schedule 1, at the discretion of the Handicapper.

At the discretion of the VAL Handicappers, with the approval of the HRP, OGA athletes in selected Group 3 events may be provided with one-off lifts in handicap, on the basis that these one-off lifts can be reversed for future races. Should an athlete receive a one-off lift in handicap for a Group 3 race, they will be notified by the VAL Handicapper prior to competing in that event

Calculation of Notional Starting Handicap For the purposes of this clause of the VAL Handicap Regulations, a 'Regular event' is: An event that is conducted on 4 or more occasions within the current season for a specific category. The different event categories are: Open, Men's, Women's and Masters. Refer to the Athlete Status Section for definitions of athlete classifications (i.e. Established or OGA).

For Established athletes in Regular events, the calculated notional starting handicap is determined by dividing the average of the athlete's best Rate Per Metre (RPM) from the last 5 seasons and the next best RPM from the last 2 seasons, into the starting time for that event. The Starting time for each event is available in Schedule 1 of the Handicap Regulations.

For all athletes classified as OGA in a specific event, the notional starting handicap is determined at the discretion of the VAL Handicapper based on consideration of the athlete's best RPM over that or a similar distance, within or outside the VAL. For both Established and OGA athletes, RPMs will be drawn from all performances over the distance, both within all event categories in the VAL and external to the VAL. For non- Regular events, all notional starting handicaps are calculated as OGA.

For OGA Athletes

Satisfactory Performance (SP): = Based on the athlete's prior and recent form and performances, if the Handicappers and Stewards are satisfied with both the time and effort of the performance, it will be classified as a Satisfactory Performance (SP).

For all Athletes

If a performance does not meet the criteria above and is not classified as an Acceptable or Satisfactory Performance, it will be classified as a Non-acceptable Performance (NAP), Non-acceptable Performance - Time (NAP-T), or an Unsatisfactory Performance (UP). NAP and UP are the more serious of the two classifications as it is based on performance and/or effort.

APPEAL OUTCOME

The Handicap Appeal Panel received a written submission from Colin Lane as handicapper with Rob Lehmann (Chief Steward) and David Haigh (Director of Handicapping) attending via video link.

Rob Lehmann (Chief Steward) addressed the meeting where he outlined that they were not entirely satisfied with Chloe's performance at Ballarat but because of her handicap adjustment and appeal prior to her run, felt it might be seen as disingenuous to give her a NAP. He stated there were concerns about the run and they would like to see her run at least one more time to gauge the athlete's ability.

Brett Robinson addressed the meeting outlining that he believed that Chloe had satisfied the criteria for a lift, post her Ballarat performance as she had not received a NAP or UP for that performance. He believed from discussions with the Stewards and previous appeals panel that this would be the case.

The panel posed a number of questions to Brett regarding Chloe's previous performances, particularly relating to her performance in winning the Australian Beach Sprint Championships in 2022 and recent win at the 2023 Queensland Beach Sprint Championships.

The panel was unanimous in their decision to reject the appeal on the grounds that:

- Chloe is an 'On Going Assessed' athlete and as such the handicapper is within the VAL Regulations to use their discretion and not provide a lift.
- VAL Regulations page 11 '*OGA athletes are not guaranteed a lift in handicap for any event and can be re-assessed at any time at the discretion of the VAL Handicappers, if warranted.*'
- There was some uncertainty highlighted between her performance at the 2023 Ballarat Gift and her recent beach sprint results, as such it was not deemed unreasonable by the panel, for the handicapper to want to use his discretion and wait to see an OGA athlete compete more than once.
- The panel confirmed that Chloe's handicap would not change for the Maribyrnong Gift.

The panel did advise the VAL officials in attendance, that they should provide NAPs if they feel justified based on performances and should not consider other external factors, as this caused some confusion to both the athlete and the trainer. In addition, VAL officials should also be careful in providing feedback whether explicit or implicit that an athlete will receive a handicap increase if the performance is acceptable particularly in relation to OGA athletes.