

TASMANIAN RACING APPEAL BOARD

Appeal Number 9 of 2016/17 – JACK LAUGHER

Panel:	Mrs Kate Brown (Chair) Mr Rod Lester	Appellant:	Mr Jack Laugher
Adviser:	Mr David Arnott		
Appearances:	Mr Leigh Dornauf on behalf of the appellant Mr Adrian Crowther on behalf of the stewards	Rule:	Australian Harness Rule 168(1)(a)
Heard at:	Launceston	Date:	6 February 2017
Penalty:	A 2 race meeting suspension	Decision:	Upheld.

REASONS FOR DECISION

1. This is an appeal by Mr Jack Laugher against a finding by the stewards that the manner in which he drove *Outlaw* in Race 3 at the Burnie Harness Racing Club meeting on 15 January 2017 was “careless” contrary to AR168(1)(a). Consequent to that finding the stewards suspended Mr Laugher for two race dates.
2. On the 6th of February 2017 the Tasmanian Racing Appeal board heard an appeal by Jack Laugher against a conviction and penalty imposed for careless driving in Race 3 at Burnie on the 15th of January 2017.
3. The particulars of the charge were “as the driver of *Outlaw* in Race 3, racing toward the end of the back straight... [Mr Laugher] allowed [his] drive to shift in down the track resulting in contact” between Mr Laugher’s sulky wheel and the off foreleg of *Rainbow Phoenix* driven by Mr Toulmin.
4. The Board had regard to the transcript of the Stewards inquiry, the race film and the evidence and submission at the hearing before the Board. Given the charge was careless driving, at issue was whether Mr Laugher allowed *Outlaw* to shift or whether he used his best efforts to prevent that.
5. When the incident, the subject of the charge occurred, *Outlaw* was leaving the back straight, three off the pegs with Mr Toulmin on *Rainbow Phoenix* inside and slightly behind him.
6. The race film shows clearly that *Outlaw* comes across and makes contact with *Rainbow Phoenix*. At the hearing it was asserted by the stewards that the carelessness was constituted by Mr Laugher responding to the horse hanging out by continuing to drive and use the whip. Mr Crowther submitted that if *Outlaw* had shifted in despite Mr Laugher’s best efforts then the careless driving charge wouldn’t have been laid. Mr Crowther submitted that it was key that Mr Laugher continued to use the whip through the incident.

7. Mr Laughers' case was that he did all that he could do in response to the horse hanging in. He denied continuing to use the whip or continuing to drive. It was submitted on his behalf that any movement of the whip evident on the film was because Mr Laughner was holding the whip in his right hand which he was using to pull in the rein as tight as he could. At the inquiry when it was put to Mr Laughner that he continued to drive and use the whip he stated that "I'm not hitting him with the whip I'm steering him out Sir".
8. The Board viewed the film and accepted that Mr Laughner did all he could to stop *Outlaw* from hanging in and making contact with *Rainbow Phoenix*. It was not persuaded that the film showed that Mr Laughner either continued to drive or that he used the whip in the crucial period. The film indicated that he did use the whip after the contact but the Board accepted that was in order to move his horse forward to get out of trouble.
9. As the Board upheld the appeal against conviction, it was not necessary to hear from the parties about the appeal against penalty.
10. In accordance with s.34 of the *Racing Regulation Act 2004*, the whole of the deposit is to be refunded to the appellant.