

# TASMANIAN RACING APPEAL BOARD

## Appeal No 07 of 2017/2018

<b>Panel:</b>	<b>Tom Cox (Chair) Rod Lester Wendy Kennedy</b>	<b>Appellant:</b>	<b>Glenn Howlett</b>
<b>Appearances:</b>	<b>Scott Quill on behalf of the Stewards</b>	<b>Rules:</b>	<b>Greyhound Australia Rule 69A(1) &amp; Greyhound Australia Rule 69A(2)</b>
<b>Heard at:</b>	<b>Launceston</b>	<b>Penalty:</b>	<b>3-month stand down of “Blackheart Bruce” and satisfactory trial</b>
<b>Date:</b>	<b>7 February 2018</b>	<b>Result:</b>	<b>Appeal Upheld</b>

### REASONS FOR DECISION

1. The appellant was the trainer of *Blackheart Bruce* which raced in Race 4 – “The Advocate” – maiden over 452 metres at Devonport on 31 October 2017. Following the race the Stewards inquired into the dog’s run and, following that enquiry, found the dog in breach of GAR69A(1) and GAR69A(2), which provide:

*GAR69A(1) Failing to pursue – Unless Rule 69B otherwise applies, where, in the opinion of the Stewards, a greyhound fails to pursue the lure with due commitment during an Event, the Stewards shall impose a period of suspension in respect of the greyhound pursuant to sub-rule (2), and the specifics shall be recorded in the relevant Controlling Body Register, or where applicable, the Certificate of Registration or Weight Card of the greyhound.*

*GAR69A(2) Failing to pursue – The period of suspension imposed pursuant to sub-rule (1) shall be –*

- (a) In the case of a first offence, at the track where the offence occurred, 28 days and until the completion of a satisfactory trial; or*
- (b) Subject to Rule 70, in the case of a second offence, at all tracks, 3 months, and until the completion of a satisfactory trial; or*
- (c) In the case of a third or subsequent offence, at all tracks, 12 months and until the completion of a satisfactory trial.*

2. A convenient summary of the alleged breach of the rule is set out in the Stewards’ report dated 31 October 2017:

*Stewards spoke to trainer Mr Glen Howlett in relation to the race manner of Blackheart Bruce rounding the first turn, acting on their own observations viewing the official replays and taking evidence from Mr*

*Howlett Stewards were of the opinion that Blackheart Bruce crossed wide on the track rounding the first turn with its head turned outwards hampering the running of Double Day and Gold Ticket and in doing so failed to pursue the lure with due commitment throughout the event pursuant to GAR 69A(1). Acting under the provisions of GAR 69A(2)(b) as this was this greyhounds second offence Blackheart Bruce has been stood down from racing for a period of 3 months at all tracks and until the completion of a satisfactory trial.*

3. Before this Board we had footage of the race, a statutory declaration provided by Mr Paul Young, which suggested that the dog's muzzle had caught in its mouth immediately post-race, and further evidence from the appellant to the effect that the dog was found injured two days after the race. The injury being a lump on its right wrist.
4. The Stewards did not have the benefit of that additional evidence at the time of the inquiry and, understandably, acted primarily on the basis of the footage. That footage suggests that as the dog raced onto the rails, before drifting up the track, it had its head turned right to the outside of the track. At that point in time it appears that the dog did not pursue the lure with due commitment. The footage is equivocal as to the reason for why that may have been the case. It can be seen that the dog's mouth is open and that may have been as a result of the dog's failure to pursue the lure with due commitment or some other reason, notably the difficulty it had with the muzzle or, indeed, the injury to its right wrist.
5. We are not in a position to determine what was the cause of the dog's movement up the track and the apparent turn of its head. The Stewards were quite rightly satisfied, in the absence of the additional evidence provided before this Board, that there was no genuine reason for the dog failing to keep its focus on the lure. In those circumstances the Stewards were entitled to find the charge proved. However, in light of the new evidence, we are bound to come to a conclusion to the contrary. Ultimately, we are not comfortably satisfied that the dog failed to pursue the lure with due commitment. It may have acted as it did as a result of the difficulties it had with the muzzle, or as a result of the injury it may have had, at the time of the race, to its right wrist.
6. In those circumstances the appeal is upheld and the appellant's deposit will be returned to him.