

# TASMANIAN RACING APPEAL BOARD

## Appeal No 13 of 2017/18

<b>Panel:</b>	<b>Tom Cox (Chair) Rod Lester Wendy Kennedy</b>	<b>Appellant:</b>	<b>Conor Crook</b>
<b>Appearances:</b>	<b>Adrian Crowther on behalf of the Stewards Anthony O'Connell on behalf of the Appellant</b>	<b>Rules:</b>	<b>Australian Harness Racing Rule 168(1)(a)</b>
<b>Heard at:</b>	<b>Launceston</b>	<b>Penalty:</b>	<b>3 race-date suspension</b>
<b>Date:</b>	<b>7 February 2018</b>	<b>Result:</b>	<b>Upheld</b>

### REASONS FOR DECISION

1. The appellant, Mr Conor Crook, was the driver of FRANCO HAMMOND which raced in Race 9 – The Vandenberg Transport Stakes Division Two – over 2150 Metres at the Carrick Park Pacing Club on 31 December 2017. Following an inquiry into his drive, which was conducted after the race meeting, the Stewards found the appellant had breached AHRR168(1)(a). This rule is in part 9 of the Australian Harness Racing Rules which deals with drivers. This rule requires drivers to not drive in a manner which in the option of the Stewards is careless.
2. The appellant pleaded not guilty at the inquiry. His driver's license was suspended for three race dates. The appellant was subsequently granted a stay with respect to the operation of that penalty. He now moves this Board to quash the Steward's findings that he was in breach of the rule.
3. Mr Crook was found in breach of the rules for Careless driving for his actions when racing towards the 500 metre mark. The particulars being that after initially shifting outwards he moved forward when there was insufficient room. Further, it is alleged that he then shifted back down the track obliging ALEMERIA, which had pushed up to his inside, to then contact marker pegs. ALEMERIA was disqualified from its fifth placing. The driver of ALMERIA Ms Taylor Ford was suspended for four race dates.
4. At the appeal hearing the Stewards further contended that the appellant was endeavouring to take a run that was not there.
5. The appellant, with respect to his move at the 500 metre mark, believed that the run was there and he was moving FRANCO HAMMOND into an opening, endeavouring to give his drive every opportunity to be competitive.
6. The Board is satisfied that, after hearing all evidence and viewing every angle of race footage, and given the circumstances of the race, that the appellant's drive should not be categorised as careless. It is apparent from the footage that after the appellant shifted up the track to attempt to gain a run, he desisted in his endeavours and moved down the track with pressure from the outside. He was entitled, in our view, to attempt to take the run, albeit in circumstances where the gap closed quickly as a result of the inward movement of the horse to his outside. The effect of that inward movement caused the appellant to shift back down the track placing pressure on the drive to his inside. That result was unfortunate, but it was not something that necessarily bespeaks careless driving on the appellant's part. In such circumstances, the Board could not be comfortably satisfied that the actions of Mr Crook could properly be characterised as careless. It accepted that his initial move to try for a run at the 500

metre mark was reasonable and, having made the decision to attempt that run, subsequent events were effectively beyond his control.

7. As a result, the Board orders that the appeal is upheld, the penalty is quashed and the appellant's deposit is to be refunded.