

# TASMANIAN RACING APPEAL BOARD

## Appeal No 16 of 2017/18 – PAUL ASHWOOD

<b>Panel:</b>	<b>Kate Brown (Chair) Wendy Kennedy</b>	<b>Appellant:</b>	<b>Paul Ashwood</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 163(1)(b)</b>
<b>Heard at:</b>	<b>Launceston</b>	<b>Penalty:</b>	<b>2 race date suspension</b>
<b>Date:</b>	<b>21 March 2018</b>	<b>Result:</b>	<b>Appeal Upheld</b>

### REASONS FOR DECISION

1. On the 21<sup>st</sup> of March 2018 the Tasmanian Racing Appeal Board heard an appeal by Paul Ashwood against both conviction and penalty imposed on the 25<sup>th</sup> February 2018 at the Devonport Harness Racing Club. The alleged breach was that, contrary to Australian Harness Racing Rule 163(1)(b), he had made another horse cover more ground than necessary in that he:  
*As the driver of Krafty Boy...in the home straight... with a lap to go [he] shifted off the peg line to a position in the running line and as a consequence... Sea Sky [was] forced to race wide...”.*
2. The key evidence at the hearing was the race film but the Board had regard to all the material before it.
3. The appellant’s case was essentially that he saw a gap and, although it was tight, he properly took the opportunity to improve into it. His advocate argued that in doing this the appellant was mindful of his obligation to give his horse its best chance, particularly because it had gone into the race as favourite. He further argued that the appellant was an experienced driver who had accurately judged the situation and that any shift was as a result of the poor judgement of the less experienced reinsman to the outside of him.
4. In response, the Stewards submitted that there was never a gap to take and further submitted that it was not relevant that Mr Ashwood had gone into the race as favourite as he was still obliged to comply with the rule. In the Board’s view the latter argument oversimplifies the impetus of the appellant’s submission in that regard and also failed to acknowledge the balance that can be required in complying with both rules.
5. The Board watched the film footage from every angle and had regard to all the submissions made by both parties as to it. It was not persuaded to the requisite standard that the appellant was in breach of Rule 163 in making the move that he did. Accordingly, it was not necessary to have regard to the submissions around penalty.
6. As a result, the Board orders that the appeal is upheld, the conviction is quashed, and the appellant’s deposit is to be returned to him in full.