

TASMANIAN RACING APPEAL BOARD

Appeal No 4 of 2008/09

Panel:	Mr Robert Pearce	Appellant:	Mr S Fenton
Appearances:	Mr D Tyson for the stewards	Rule:	Greyhound Rule 69 (1)(b)
Heard at:	Launceston	Penalty:	Greyhound stood down for 28 days Hobart and a satisfactory trial all tracks
Date:	7 October 2008	Result:	Dismissed

REASONS FOR DECISION

Mr Fenton's dog *Vicky Two Toes* raced in Hobart on 2 October 2008. After the race the stewards conducted an inquiry and found that the dog had failed to pursue the lure with due commitment during the race contrary to Rule 69 (1)(b). It being the dog's first offence under that rule, rules 69(1) and (2) require that the dog be suspended for 28 days in Hobart and until the completion of a satisfactory trial. Stewards have put that this means it may not race at any track until the completion of a satisfactory trial and Mr Fenton does not question that the rule so operates. Thus the only question for me is whether I am persuaded that the dog failed to pursue the lure with due commitment during the race.

The incident complained of took place in the back straight. The dog jumped to the front from box three. The dog from box two then went to the lead on her inside and the dog from box five loomed up on her outside. The stewards case is that at that point she took her eye from the lure, eased and turned her head to the outside.

I have seen two views of the race on film. Mr Bruce Free, who has been a part time steward for 20 years, was in the tower at the first turn. He had a head on view of the field as they raced towards him. His attention was on the dog and he had a good view of the incident. Mr Free said that he noticed the dog because her head was already turned to the outside. As the five dog approached on her outside she turned her head further towards it, bared her teeth and tried to bite. There was no contact but, to Mr Free's eye, she lost interest in pursuing the lure at that point.

Mr Fenton is the dog's trainer. He is clearly very fond of his dog. He described her as being an outside runner, preferring to race in the middle of the track. She is well suited therefore to an outside draw but on this occasion she had drawn box three. He agreed that his dog turned to look at the dog to her outside. He said that he did not challenge what Mr Free said but, and these are my words, he sought to down play it as a glance towards the other dog which may have attracted her attention by barking and she never really stopped chasing. However, another incident shortly afterwards effectively put her out of the race. He said she had never put a foot wrong before.

I am prepared to accept Mr Fenton's proposition that the dog had not previously presented a problem. However I must judge what happened in this race. I accept the evidence of Mr Free, which to my mind was confirmed by the film. He had a good view of what happened. His attention was already on the dog. He is a very experienced steward. It may have been that Mr Fenton's dog, keen to get to the middle of the track, did not appreciate the presence of a larger dog to her outside. Whatever may be the case, I am well satisfied that at that point of the race she took her attention from the lure and turned that attention to the dog to her outside and tried to bite it. Mr Free remembers seeing the whites of her teeth. It follows that at that point of the race she was not pursuing the lure with due commitment and for that reason the charge is made out.

I am not required to review the penalty. The appeal is dismissed.

Mr Fenton's deposit will be returned to him.

DATED: 7 October 2008.