

TASMANIAN RACING APPEAL BOARD

Appeal No. 04 of 2020/21

Panel:	Tom Cox (Chair) Wendy Kennedy (Member)	Appellant:	Michael Louth
Appearances:	Michael Hoyle (on behalf of the Stewards) Graeme Barber (on behalf of the Appellant)	Rules:	GAR86(o)
Heard at:	Lands Building Hobart Tasmania	Penalty:	Fine of \$500 with \$250 wholly suspended for 12 months
Date:	3 November 2020	Result:	Upheld

REASONS FOR DECISION

1. At the completion of Race 10 at the Launceston Greyhound Racing Club meeting on 7 September 2020 the appellant confronted a fellow trainer, Mr Bullock, concerning the manner in which his dog had marred the appellant's dog during the running of the race. The result of that marring was that the appellant's dog was impeded from victory and, to add insult to injury, Mr Bullock's dog proceeded to win the race. What was said by the appellant to Mr Bullock during that confrontation is at the heart of this appeal.
2. The Stewards conducted an inquiry the following day. During that inquiry Mr Bullock admitted assaulting the appellant by pushing him with his arm. In explaining how that came to pass, Mr Bullock alleged that the appellant had said to him that he should "*shoot that dog*" or words to that effect. Words to that effect are, of course, inappropriate because they condone animal cruelty and, as such, are capable of amounting to misconduct within the meaning of GAR86(o), which provides as follows:

"A person (including an official) shall be guilty of an offence if the person:

(o) has, in relation to a greyhound or greyhound racing, done a thing, or omitted to do a thing, which, in the opinion of the Stewards or the Controlling Body, as the case may be, is negligent, dishonest, corrupt, fraudulent or improper, or constitutes misconduct."

3. At the inquiry the appellant denied stating words to that effect and instead said that he had challenged Mr Bullock about the manner in which the dog had behaved and said words to the effect that "*it wasn't fit to race*". Stewards heard evidence from the appellant, Mr Bullock and a Mrs Johnson, who was nearby when the altercation occurred. Her evidence was somewhat equivocal.
4. On the one hand she said "*When there were mutterings in amongst that and I was actually standing outside the doorway of the kennels. I thought there was a conversation or a wording that you should shoot your dog, that I was really upset of because it's a welfare thing*".
5. On the other hand, and almost simultaneously with giving the above evidence, Mrs Johnson stated "*There was a fair bit of verbalising happening there. Exact wording couldn't give you, but it was around the fact that the dog wasn't fit to race*".
6. The Stewards accepted Mr Bullock's version of events, having regard to the corroborating evidence provided by Mrs Johnson.
7. However, the evidence from Mr Bullock was not consistent throughout the inquiry. Indeed, he provided four different versions of what was said concerning the dog, whereas the appellant remained consistent throughout the inquiry and before this Board in providing his account which was constrained to the fitness of the dog to race.
8. While we consider it was open to the Stewards to find that the appellant had said words to the effect that Mr Bullock should shoot his dog, we are not comfortably satisfied that he did. Mrs Johnson's evidence was consistent with both versions of events. Mr Bullock's versions were inconsistent. There were also other inconsistencies in the evidence, for example, the Stewards proceeded on the basis that the appellant had said to Mr Bullock that the dog was "*a cunt*" whereas Mr Bullock's evidence was that another person, not the appellant, had said words to that effect almost immediately before the confrontation between the two men. No doubt, Mr Bullock was incensed by the comment made by that other person and that, in combination with whatever the appellant said, also no doubt led to him assaulting the appellant.
9. As we have noted, it was open to the Stewards to find otherwise, but for the above reasons we have not reached the same level of satisfaction.
10. In the circumstances, the appeal will be upheld and the appellant's deposit returned to him.