

TASMANIAN RACING APPEAL BOARD

Appeal No. 13 of 2018/19

Panel:	Kate Brown (Deputy Chair) Rob Higgins (Adviser)	Appellant:	Brian Crawford
Appearances:	Justin Crawford on behalf of the Appellant Michael Hoyle on behalf of the Stewards	Rules:	GAR69 (A) (1)
Heard at:	Office of Racing Integrity Level 2, Henty House 1 Civic Square LAUNCESTON, TAS	Penalty:	Blackwood Vegas stood down from racing for a period of 28 days (Hobart only)
Date:	5 March, 2019	Result:	Dismissed

REASONS FOR DECISION

1. The appeal was in relation to *Blackwood Vegas* having been charged with failing to pursue contrary to GAR 69A at Hobart on 14 February 2019. The consequence of a first conviction for this charge is a mandatory 28 day suspension of the dog on the track where the offence occurred, and the requirement for completion of a satisfactory trial thereafter.
2. The appellant is a hobby trainer with five dogs in work. He submitted that the *Blackwood Vegas* had had seven starts; she had won her first three at Devonport and had won this race. He described her as a timid dog, "shy and difficult to handle" and noted that she resents contact. The margins of her wins at Devonport were 5.75 lengths, 7.5 lengths and 2.25 lengths respectively. It was argued by the appellant that generally a dog not chasing properly would not win by such big margins. It was noted by the appellant that the Devonport track is easier than Hobart and that this was *Blackwood Vegas'* first trip to Hobart and her third run back after a 10 week layoff.
3. The appellant submitted with respect to the race film that *Blackwood Vegas* initially works very hard to get to the lead which she would not have done has she been a genuine non-challenger. He referred to 2 points in the race where he alleged there was some level of interference from other dogs: the first being when the three dog gets on the heels of *Blackwood Vegas* and the second when there is a turn of her head later in the race. He submits that both were marginal and should be characterised as racing incidents particularly for a characteristically timid dog, and that they are involuntary as a result of interference.

4. In response, Steward's noted the definition of failing to pursue in GAR 1, that is "*when a greyhound turns its head or visibly eases during the running of an event*". Stewards argued that the initial head turn was not initiated by contact and that the interference alleged occurred only after *Blackwood Vegas* turns her head in. Stewards submitted that the three dog is two lengths off *Blackwood Vegas* when she starts turning her head out.
5. The Board preferred the steward's analysis of the race. It accepted on viewing the race film that the turn of the head was independent of the actions of the other dog and that the alleged interference occurred only after *Blackwood Vegas* had already drifted up the track and turned her head out. The Board determined to affirm the conviction. As the penalty for a conviction of this charge is mandatory the Board had no regard to penalty.
6. It is noted that the appellant was motivated to appeal as he did not want the conviction on *Blackwood Vegas*' record, noting that there was no stay available and that the mandatory suspension had already been served pending the listing of the appeal. He made a number of submissions around that issue but given the mandatory nature of the penalty the Board really could not have any regard to those submissions, having accepted that *Blackwood Vegas* had failed to pursue and affirmed the conviction.
7. The appeal was dismissed. The appellant was ordered to forfeit 50% of the prescribed deposit. There was no transcript prepared so no order was made for those costs.