

TASMANIAN RACING APPEAL BOARD

Appeal No. 09 of 2023-24

Panel:	Ms Amber Cohen (Chair) Mr Rod Lester Ms Wendy Kennedy	Appellant:	Ms Tonie Czerkiewicz
Adviser:	Mr Robert Higgins		
Appearances:	Ms Tracy Canham (on behalf of the Stewards) Mr Glenn Howlett (on behalf of the Appellant)	Rules:	GAR 123 Marring
Heard at:	Stewards Room Elwick Racecourse 6 Goodwood Road Glenorchy TAS	Penalty:	BLACKPOOL DARREN stood down for a period of 3 months and until the completion of two satisfactory trials
Date:	26 February 2024	Result:	Dismissed

REASONS FOR DECISION

1. On 26 February 2024, the Board heard this appeal. It delivered its decision that day together with brief oral reasons. This decision sets out those reasons in full.
2. This appeal concerns race 10 on the 25th January 2024 that was held by the Hobart Greyhound Racing Club and relates to the racing conduct of BLACKPOOL DARREN.
3. The appellant, Ms Tonie Czerkiewicz, was the owner of the greyhound BLACKPOOL DARREN.
4. During the course of the race and close to the finish line there was an incident which included contact between BLACKPOOL DARREN and another greyhound, SUPER SUSPECT. Stewards reviewed the race footage, noted the incident.
5. Stewards further reviewed the footage and formed the opinion that BLACKPOOL DARREN had marred SUPER SUSPECT. As it was BLACKPOOL DARREN's third marring charge, pursuant to GAR 127, BLACKPOOL DARREN was stood down for the mandatory period of 3 months and until the completion of two satisfactory trials.
6. The appellant has appealed against the conviction, and in his notice of appeal simply says that the Stewards got the decision wrong and the dog has been victimised.
7. During the course of this hearing the appellant was represented by Mr Glenn Howlett. Mr Howlett said the dog had been injured during the race which caused it to run wide around the bend. Mr Howlett said that the greyhound is usually a "mad railer", meaning that he

usually runs very close to the rail. He pointed the Board to the footage showing that BLACKPOOL DARREN had run straight to the rail out of the box, and then ran wide around the turn. The inference being that BLACKPOOL DARREN then made an effort to get back to the rail and in doing so, made incidental contact with SUPER SUSPECT. Mr Howlett did not accept there was snapping at the number 4 dog, SUPER SUSPECT.

8. Stewards submitted that, having reviewed the race footage, they formed the opinion that it was a case of marring. They determined that BLACKPOOL DARREN turned its head and made head and muzzle contact with SUPER SUSPECT, the number 4 dog, which in turn made contact with the number 6 dog, HOOKED ON PRISSY. Stewards went on to say that on more than one occasion, BLACKPOOL DARREN snapped at SUPER SUSPECT. Stewards said that all of the greyhounds in the race had run wide and, in fact, on the night an unusually high number of greyhounds had run wide on the track.

9. GAR 123 provides that:

“Where, in the opinion of the Stewards, a greyhound is found to have marred during an Event, the Stewards must impose a period of suspension in respect of the greyhound pursuant to rule 127, which is to be recorded by them as part of the identification record.”

10. The terms mar and marring are defined in the rules as follows:

“the act of a greyhound which turns its head and makes head or muzzle contact with another greyhound.”

11. The Board is not required to determine whether BLACKPOOL DARREN snapped at SUPER SUSPECT in deciding whether marring has occurred. Nor is it required to determine whether, through the act of marring, any interference was caused to SUPER SUSPECT, or any other greyhound’s run.

12. The Board has considered the submissions of each of the parties to this appeal. The Board has also viewed very carefully the footage and has had the benefit of the assistance of the greyhound racing adviser, Mr Higgins, in relation to this matter.

13. The Board is comfortably satisfied that the footage of the race clearly indicates an occasion of marring. There is a clear turning of BLACKPOOL DARREN’s head towards SUPER SUSPECT and consequent muzzle contact with that greyhound.

14. The Board does not regard BLACKPOOL DARREN’s turning of its head to be a consequence of interference from any other dog. It is a clear case of marring. The Board accepts that the greyhound was injured during the race and this may have affected the greyhound’s line of running. However, the detection of an injury is not a defence to a charge of marring under the rules.

15. As a consequence, the appeal is dismissed and the decision of Stewards affirmed.

16. Pursuant to ss 34(1A) and (2)(a) of the Racing Regulation Act 2004 (the Act), the appellant is ordered to forfeit fifty percent of the prescribed deposit. Further, pursuant to ss 34(4A) and (4B), the appellant is ordered to pay fifty percent of the costs incurred in the preparation of the transcript prepared in relation to this appeal.

DATED: 4 MARCH 2024