

**Non Raceday Inquiry RIU v AC Roberts - Decision dated 14 September 2018**

**Rules:**

**Respondent(s)/Other parties:**

**Name(s):**

**Decisions:**

**BEFORE A JUDICIAL COMMITTEE HELD AT ADDINGTON**

**IN THE MATTER** of the Rules of Greyhound Racing New Zealand

**IN THE MATTER** of Information No. A10240

**BETWEEN MR S WALLIS**, Stipendiary Steward for the Racing Integrity Unit

**Informant**

**AND MR AC ROBERTS**

Licensed Greyhound Trainer

**Respondent**

**Date of Hearing:** 14 September 2018

**Venue:** Addington Raceway

**Judicial Committee:** Mr S Ching (Chair), Ms H Weston (Member)

**Present:** Mr S Wallis, the Informant

**Date of Decision:** 14 September 2018

**DECISION OF JUDICIAL COMMITTEE**

**The Charge**

[1] Information No. A10240 alleges that:

On 14 September 2018, at a race meeting conducted by the Christchurch Greyhound Racing Club, that Mr Roberts failed to present the correct dog to compete in a Qualifying Trial.

[2] The information was served on Mr Roberts on the day of the meeting. Mr Roberts had signed the Statement by the Respondent at the foot of the Information indicating that he admitted the breach of the Rule. Mr Roberts had also endorsed the Information that he did not wish to be present at the hearing.

[3] The charge was heard at the meeting of the NZMTC Harness Meeting at Addington on Friday 14 September 2018.

**The Rule**

[4] Rule 44.1 read as follows;

*44.1 The Handler of a Greyhound competing at a Meeting shall present the correct Greyhound to the Stewards at or before the time specified in Rule 44.2.*

**Evidence of the Informant**

[5] Mr Wallis gave evidence that Mr Roberts had correctly nominated the greyhound QUELLA ALLEN to race in a qualifying trial at the Christchurch Greyhounds Meeting on 14 September 2018. He said that on inspection to identify the dog, prior to the heat, it was established that he had in fact presented the wrong dog. Mr Roberts, he said, had presented a dog, registered in Australia, unregistered in New Zealand, being MARSHA ALLEN. Mr Wallis stated that due to the scratching of QUELLA ALLEN the trial field was reduced to 3 runners which was not enough for a Qualifying heat for the dogs. However, he said, the other qualifying heat scheduled had 4 runners and he had combined both fields to create a trial of 7 dogs, so no trainers were disadvantaged.

Mr Wallis stated that this breach would normally be dealt with as a Minor Infringement Notice, under Rule 62.1 (cc) with a fine of \$300. He said that the Stewards believed that level of fine to be excessive for a breach at a qualifying trial.

**Decision**

[6] Mr Roberts having admitted the breach; the charge was found proved.

**Submissions of Informant on Penalty**

[7] Mr Wallis said that Mr Roberts had admitted the breach at the first opportunity and had a clear record in regard to this rule.

[8] Mr Wallis brought the Committee's attention to a recent, very similar case, where the incorrect dog was presented at a qualifying trial with a penalty of \$150 being imposed.

[9] Mr Wallis submitted that as the previous case resulted in a fine of \$150, a fine at the same level be considered as penalty in this case.

**Reasons for Penalty**

[10] The Committee took into consideration that a fine of \$150 had been imposed for a recent breach of this Rule where the facts of the case were very similar.

[11] Mr Roberts had admitted the breach and had a clear record in regard to this rule.

[12] After taking all factors into consideration, including the previous penalty in very similar circumstances, the Committee determined that a fine of \$150 was an appropriate penalty in this case.

**Penalty**

[13] Mr Roberts is fined the sum of \$150.

**Costs**

[14] No orders were made for costs as this hearing was held at a race meeting.

**Mr SC Ching**

(Chair)

**Penalty:**