

NZGRA Request for Review C Roberts v RIU - Written Decision dated 26 January 2018 - Chair, Prof G Hall

Rules:

Repondent(s)/Other parties:

Name(s):

Decisions:

BEFORE A JUDICIAL COMMITTEE

HELD AT CHRISTCHURCH

IN THE MATTER of the Rules of New Zealand Greyhound Racing Association (Incorporated)

BETWEEN

CRAIG ROBERTS, Licensed Trainer

Applicant

AND RACING INTEGRITY UNIT (RIU)

Respondent

Judicial Committee: Prof G Hall, Chairman

Mr S Ching, Member

Present: Mr C Roberts, Applicant

Mr S Wallis, Stipendiary Steward, Respondent

Date of Hearing: 17 January 2018

Venue: Addington Raceway, Christchurch

Date of oral Decision: 17 January 2018

Date of written Decision: 26 January 2018

WRITTEN DECISION OF JUDICIAL COMMITTEE

[1] At the meeting of the Christchurch Greyhound Racing Club held at Addington Raceway on 4 January 2018, the greyhound UMBRIDGE BALE, trained by Mr Roberts started in race 2, the RON's MUZZLE REPAIR STAKES which was a Class 2 race run over 520 metres. UMBRIDGE BALE started from Box draw 4 and won this race in a time of 30.56 seconds.

[2] This was UMBRIDGE BALE's first win in New Zealand having previously been domiciled in Australia. UMBRIDGE BALE has had a total of 17 race day starts: 8 in New Zealand for a 1 win - 5 seconds - 2 thirds; and 9 in Australia for 3 wins – 2 seconds.

[3] Mr Wallis stated that following the race the Stewards conducted an inquiry into the racing conduct of UMBRIDGE BALE. Of particular concern to the Stewards were the greyhound's manners when exiting the final bend where it was observed to voluntarily turn its head outwards towards the greyhound on its outside. As part of this investigation Stewards directed that UMBRIDGE BALE be subjected to a post-race veterinary examination as per r 55.2. There were no apparent findings reported from the on-course veterinarian after this examination took place.

[4] Stewards viewed all of the available films and heard submissions from Mr Roberts regarding the racing conduct of UMBRIDGE BALE at this stage of the race. After taking into account Mr Roberts' submissions, the veterinary report and the viewing of available films, the two Stewards officiating on the day, Mr Wadley and Mr Wallis, were satisfied that UMBRIDGE BALE had breached r 55.1(b) in that the dog had FAILED TO PURSUE the lure as defined under r 1.

[5] Mr Wallis noted that UMBRIDGE BALE had been charged on two previous occasions for failing to pursue the lure. These were at Sale on 18 May 2017 where no stand down was given due to injury; and Sandown Park on 27 August 2017 where a 28 day stand down was imposed and a satisfactory trial required.

[6] The Stipendiary Stewards suspended UMBRIDGE BALE for three months under r 55.1.b for failing to pursue the lure.

[7] On 5 January Mr Roberts applied for a review of the decision of the Stipendiary Stewards in accordance with rr 55.11 and 66.20. His reason for disagreeing with the decision of the Stewards was that UMBRIDGE BALE had never failed to pursue the lure.

[8] After discussing the issue with the parties, it was decided that Mr Wallis would present the RIU's case first.

The RIU's case

[9] Mr Wallis identified the definition of "fails to pursue the lure" as set out in the Rules:

"FAILS TO PURSUE THE LURE" means the action of a Greyhound voluntarily turning the head without making contact with another Greyhound, or voluntarily easing up, or stopping during a Race while free of interference.

[10] Mr Wallis demonstrated on the films that in his opinion UMBRIDGE BALE had turned its head outwards, while free of interference exiting the bend, and had thus breached r 55.1(b).

[11] Mr Wallis demonstrated on four video angles that just prior to the point of concern there was slight contact between UMBRIDGE BALE's shoulder and the hind quarters of the greyhound racing to its outside, which was the number 3 dog, FULL SPEED. This was ever so slight, he said, and it was not deemed necessary to add this to the Stewards' report on the day. There were then two or three strides as the dog entered the final bend where he believed it could be clearly seen that UMBRIDGE BALE's head was turned outwards away from the lure. He believed the dog had diverted its attention to the greyhound on its outside before these two runners made contact and UMBRIDGE BALE then refocused back to the lure.

[12] Mr Wallis said that the Stewards accepted that the breach was low end. UMBRIDGE BALE had turned its head outwards. He said, "Not a lot, but it is perceptible. It has diverted its attention away from the lure towards the greyhound to its outside all the while free of interference."

[13] In response to a question from this Committee, Mr Wallis said the body of UMBRIDGE BALE was marginally angling out but, more so, it was the dog's head. He added that in his view the 3 dog had not come in on UMBRIDGE BALE. He believed that dog had taken a true line entering the bend. He believed FULL SPEED only came in on there being contact with UMBRIDGE BALE.

[14] Mr Wallis said that on the day when Mr Roberts viewed the video of the incident, he said "Oh, f***." He had later asked that there not be a stand down and that the dog just complete a satisfactory trial.

[15] Mr Wallis explained that r 55.1 does not provide for the level of offending to be a mitigating factor for the Stewards when determining whether a greyhound should be charged under this rule. Nor does it allow the finishing place of a greyhound to be a mitigating factor. Simply put, he said, under r 55.1 a greyhound has either breached the Rules to any degree or it has not.

[16] Mr Wallis continued by stating that Greyhound racing carries with it the weight of public money and the Stewards had to be seen to be appropriately protecting this. They were charged with the responsibility of enhancing public confidence and integrity within greyhound racing by imposing the right penalties/Stand downs on greyhounds when required to do so.

[17] Mr Wallis concluded his submissions by stating that the RIU were satisfied with the evidence presented to this Committee that the decision of Stewards on the day to suspend UMBRIDGE BALE and order it to trial satisfactorily was the correct one and, therefore, he believed this review should be dismissed.

Mr Roberts' case

[18] Mr Roberts stated that his considered view was that FULL SPEED was angling in on the bend. He was surprised that UMBRIDGE BALE had railed to the inside of that dog as on the previous bend the dog had raced to the outside of a dog rather than improve to its inner near the rail.

[19] Mr Roberts said his "Oh f***" comment was when he first saw the video. It was at full speed and not in slow motion. When he had subsequently viewed the videos he could see that the body of UMBRIDGE BALE was angling out and there had been touching with the outside dog. He emphasised a number of times that FULL SPEED was leaning in on UMBRIDGE BALE on the final bend as the dogs "swung for home". He said the slow motion replay showed the dogs had clashed and despite this UMBRIDGE BALE had never changed its stride.

[20] Mr Roberts said UMBRIDGE BALE's body was slightly angled as dogs do this on a bend. UMBRIDGE BALE had received a nudge prior to the bend and it was difficult for a dog to maintain its balance in such circumstances, especially at the speed the dogs were travelling.

[21] From the first point of contact, Mr Roberts believed UMBRIDGE BALE had been happy to sit a metre off the rail. The dog was not railing hard but it had not shifted out although it had brushed the back thigh of the 3 dog, FULL SPEED, two or three times. The only time the head of UMBRIDGE BALE clearly moved was when there was the clash of the two dogs on the bend.

[22] Mr Roberts demonstrated on the videos that the head of UMBRIDGE BALE was in line with its body, which was angled out and away from the rail. This was the result of buffeting as the two dogs, which were tiring, went around the final bend. FULL SPEED was holding its line and UMBRIDGE BALE had lost its balance for a couple of strides. He believed in the last stride before the clash FULL SPEED had gone in on UMBRIDGE BALE.

[23] Mr Roberts said it was late in the day when the Stewards had informed him the dog would be put out and he questioned whether this delay was because the Stewards were not 100% satisfied it was a clear case of failing to pursue.

[24] Mr Roberts concluded his submission by stating he believed that the head of UMBRIDGE BALE was not turned out prior to the clash and the dog had therefore not failed to pursue. He emphasised UMBRIDGE BALE had raced away from FULL SPEED and won the race.

Summing up

[25] Mr Wallis stated that it was the conduct of UMBRIDGE BALE prior to the clash that was of concern to the Stewards. The breach was low end but the head of UMBRIDGE BALE was pointed outwards and away from the lure whilst free of interference. He believed it was only for two strides.

[26] Mr Roberts stated there was no evidence that UMBRIDGE BALE's head had turned out before the clash. He reiterated that the whole body of UMBRIDGE BALE was angled away from the rail and the dog's head was in line with its body. He believed this was due to the prior slight contacts between the dogs. He emphasised that the outside dog was drifting in slightly.

[27] Mr Wallis responded there had been four strides since a slight brush.

Decision

[28] We have found the various video angles to be helpful. The two dogs at issue, UMBRIDGE BALE and FULL SPEED, have entered and taken the final bend at different angles. FULL SPEED's body is angled in and UMBRIDGE BALE's body is turned out. Quite possibly, this is because, as Mr Roberts has contended, UMBRIDGE BALE had been nudged previously by FULL SPEED. It is clear that there had previously been contact. FULL SPEED is cutting the corner and is laying in on UMBRIDGE BALE. This is prior to the clash with UMBRIDGE BALE.

[29] We can understand Mr Roberts' initial comment, when viewing the video, as we too initially were of the view that the dog's head was turned away from the lure.

[30] When the videos are viewed in slow motion the head of UMBRIDGE BALE can be seen to be in line with its body, which is angled outwards slightly. To be in breach of r 55.1, a dog must voluntarily turn its head away from the lure. The head of UMBRIDGE BALE is straight; its body is angled out.

[31] Significantly, and importantly with respect to the wording of the rule, it is our belief that the head of UMBRIDGE BALE is not voluntarily turned outwards and away from the lure. In these circumstances, we are not satisfied on the balance of probabilities that UMBRIDGE BALE has failed to pursue the lure.

[32] Mr Roberts' application for review is successful and the suspension on 4 January 2018 of UMBRIDGE BALE for three months pursuant to r 55.1(b) for failing to pursue the lure is lifted.

Dated at Dunedin this 26th day of January 2018.

Geoff Hall, Chairman

Penalty: