

**GREYHOUND AND HARNESS RACING APPEALS TRIBUNAL
NEW SOUTH WALES**

TRIBUNAL: JUDGE B. R. THORLEY

**ASSESSORS: MR D. CLOUGH
MR K. RUSSELL**

APPEAL OF MR MATHEW JACKSON

DECISION

This is an appeal by driver Mathew Jackson against the severity of an order for 14 days suspension imposed by the stewards at Newcastle after the running of the sixth race on 23 February 2008.

The events with which the stewards were concerned involved two drivers, namely, driver Ruggari, in charge of Twograndahand, and the Appellant, in charge of Royal Harp. That which is at stake really amounts to but one single incident when these two drivers were virtually side-by-side and towards the rear of the field at a point shortly after the field passed the winning post on the first occasion.

Royal Harp was to the outside of Twograndahand, but was pursuing a course which obliged Twograndahand to move almost to the line of the marker pegs. This resulted in the charge levied against the Appellant under Rule 163(1)(a) of causing or contributing to interference. Driver Ruggari almost immediately responded to that by moving his horse outwards and thus forcing the Appellant's charge to move wider in the field. This resulted in a charge to Ruggari under Rule 163(1)(b) of making another horse cover more ground than necessary. Both drivers pleaded guilty, and both were ordered to serve a 14-day suspension.

The Appellant's argument basically is that that which was done by him was of less import than that which was done by driver Ruggari. With that approach, we think there is some merit. The reason that the Appellant's horse was pursuing a course which obliged Ruggari's horse to move down towards the line of the marker pegs was the intractability of the horse Royal Harp. The video clearly

shows that the horse's head was very much turned to its outside. Indeed Ruggari himself, at page 2 of the transcript, says:

"His [Jackson's] horse was hanging. You could see its head was on the side. ... I think he was trying to pull back and go round, and the horse has ducked in a little, but I wasn't going to be staying on the fence."

The stewards did say to the Appellant when delivering their decision that they had taken into consideration the Appellant's forthright evidence in relation to the horse, but they do not appear to have reflected that fact in their assessment of penalty. We think in that circumstance there is ground for us to interfere. Hence, in lieu of the stewards' order, we will impose a period of suspension of seven days, which will date from today.

The Appellant has been partly successful in his appeal. It is directed that a moiety of his appeal deposit be returned to him.

B. R. Thorley, Judge
13 March 2008