

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

TRIBUNAL: JUDGE B. R. THORLEY

**ASSESSORS: MR K. RUSSELL
MR J. SCHRECK**

APPEAL OF MR M. RUE

DECISION

This is an appeal by driver Matt Rue, who was the driver of Perfect Liner when it competed in the seventh race at Parkes on 13 March 2008. There was an incident which involved Perfect Liner and Chefino, driven by Ms Amanda Turnbull, which occurred very close to the finishing line. The stewards inquired, and in consequence charged Mr Rue under Rule 163(1)(a) with causing or contributing to interference. He pleaded guilty to that charge and was subjected to a penalty of 14 days suspension. The Appellant has been on a stay of proceedings at all relevant times since lodging an appeal against the severity only of that order.

That he was available to be charged and that he was found guilty is not in dispute before this Tribunal. However, when delivering the reasons for the assessment of 14 days the chairman presiding properly announced that, because of the plea of guilty entered at Parkes, a period of 7 days would be taken off the penalty which might otherwise have been imposed. This suggests of course arithmetically that 21 days would have been the preferred order but, having regard to his plea of guilty, a period of 14 days was assessed.

In so doing, however, the steward neglected to make any reference to any other of the features that accompanied the incident at stake. In particular, we note the evidence of Ms Turnbull, who asserted that her horse was "wobbling". This was perhaps a contributing factor to the act of interference which was involved. Some reference should have been made to this in the assessment of penalty since, if that be the case, it would follow that the Appellant himself was not wholly to blame.

In order to reflect our view that more fulsome reasons should follow, we propose to interfere with the penalty and to substitute a period of suspension of seven days. That order will date from today.

The Appellant's appeal deposit is forfeited.

B. R. Thorley, Judge
16 April 2008