

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

TRIBUNAL: JUDGE B. R. THORLEY

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

APPEAL OF MR TREVOR NIASS

DECISION

This is an appeal by driver Trevor Niass against a finding of guilt of a charge under Rule 163 (1) (a) and the subsequent imposition of a period of suspension of 21 days.

The events with which the Tribunal is concerned arose at the commencement of the ninth race at Harold Park on 29 April 2008. The Appellant was in charge of Blue Reef, which came out from the mobile start fairly strongly, together with Jana Lass (driven by driver Harmey) and Wymeera Lady (driven by driver Payne), both of which were to the inside of Blue Reef. As they approached the turn Jana Lass was slightly ahead of Wymeera Lady, which in turn was slightly behind and to the inside of Blue Reef. Into the turn, we are completely satisfied, from a review of the videos and indeed from the evidence from the two drivers on the inside, that the Appellant adopted an overtaking track which impeded the progress of Wymeera Lady. That in turn then caused pressure upon Jana Lass, which lost its gait and galloped. The whole of the event was simply caused by insufficient room being afforded by the Appellant when he adopted the manoeuvre we have endeavoured to describe. Clearly enough, this is an act of crossing and warrants the laying of the charge in question.

The Appellant has a very good record. He has been in the industry, although not continuously, over a period of 27 years, and in that time has had very few appearances before the stewards. That this is so was recognised by the stewards at their inquiry, and they correspondingly scaled down the penalty which they might otherwise have imposed. We are not minded to interfere with their assessment. It was appropriate that the Appellant be given that credit.

Hence, the appeal is dismissed and the stewards' findings and orders are confirmed.

The order will date from today. However, credit is to be allowed for the nine days served from 29 April 2008 until the Appellant obtained a stay of proceedings.

The Appellant's appeal deposit is forfeit.

B. R. Thorley, Judge
28 May 2008