

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

TRIBUNAL: JUDGE B. R. THORLEY

**ASSESSORS: MR A. G. MULLINS
MR K. RUSSELL**

APPEAL OF MR ADAM RUGGARI

DECISION

This is an appeal by Adam Ruggari against a finding of guilt recorded by the stewards to a charge under Rule 149(1) and the subsequent imposition of a period of suspension of ten weeks.

The events with which the stewards were concerned derive from the participation by the Appellant in the first race at Bathurst on 2 May 2008, when the Appellant was in charge of Franco Targa NZ, which was the clear favourite for that race. Indeed the opening market would have had the horse at an odds-on figure, but it subsequently drifted out to even money.

At the very outset of the race Franco Targa, which was drawn No. 9, in the second row, raced fiercely. The Appellant can be seen to be leaning backwards to a marked degree in his endeavours to constrain the over-racing being exhibited by his horse. Considerable pressure would have been then caused to the horse's mouth. After a short period the Appellant clearly elected to let the horse have its head. He pulled it out and it advanced forward very rapidly and indeed took over the lead at about the 1500-metre mark. No complaint is made by the stewards in relation to any of the events up to that point of time.

The allegations upon which the stewards relied to support their charge under Rule 149 derive entirely from that point of time and were expressed in these words which the chairman of stewards himself used, "from which point you then failed to make any significant effort to restrain Franco Targa when it appeared reasonable to do so." The fact is that there was a relatively short distance from that point until the field reached the winning post to tempt the bell. At that point of time the balance of the field had caught Franco Targa, which simply drifted back in the field and finished close to last.

Much was said during the course of this appeal, and indeed during the hearing before the stewards, about whether or not there had been an effective tongue tie on the horse.

The Appellant claimed that after the race he found that Franco Targa's tongue was over the bit. Moreover, the stewards, in the hearing before this Tribunal, endeavoured to point to some changes of gear as compared to gear which had been used in the horse's last start at Newcastle which would, it was claimed, serve to support the stewards' case. As to any change of gear, we merely point out that there was no reliance by the stewards in the particulars given to the Appellant as to the use or non-use of any gear. It is not open at this point of time for the stewards to endeavour to call in aid any such allegations to support their claim.

The Appellant himself said, at the bottom of page 29 and the top of page 30:

" I think the main part you are both concerned about was, once he found the lead along the back straight I didn't do enough to restrain him, which is over a space of 200 metres. Coming into the bell the horse was under pressure, and I think the main concern is the back straight part. I felt I was doing the best for the horse, restraining without grabbing hold of his mouth because I know the horse is a sensitive horse."

By "sensitive horse", we take the Appellant to mean that the horse was sensitive about its mouth and that this is not a reference to some emotional reaction in the animal. Whatever sensitivity it had about its mouth does not appear to have been demonstrated when, in the early stages of the race, as we have recited, the Appellant was using considerable force to restrain it without any regard for whatever sensitivities he thought were present in its mouth. Moreover, it seems to us that the public is entitled to see of its favourite horse in a race that an effort is being made to ensure that it does not expend all of its energy uselessly so that when the final stages of the race be reached it has not got the capacity to run on into a winning or placing position.

The Appellant, we think, is perfectly correct in assessing that the stewards were concerned about that part of the race. We do not think his suggestion that the tongue tie was dislodged is of relevance. Whatever the ultimate finding was in that regard, he was unaware of any dislodgement at the time with which we are concerned, and his decision not to use the reins in order to restrain his horse is inconsistent with that which he had demonstrated at an earlier stage in the race. We think he should have restrained the horse and enabled it to retain some of the energy that would be required in its finishing of the race. That being so, we think it was unreasonable of him, as the rule would contemplate.

Hence, the appeal will be dismissed.

However, we do not take the same view about the quality of the Appellant's acts as, apparently, the stewards took. That which he did not do was over a relatively short part of the race. That fact alone, we think, needs to be reflected in the penalty. We think it is sufficient that the Appellant be suspended for a period of four weeks. He has been on a stay of proceedings at all relevant times. The suspension will date from today.

There is one further matter to which we would allude. The hearing of the stewards inquiry took place on the second and eighth days of May. During the adjournment between those dates the stewards took the opportunity of looking at betting transactions. We were informed during the hearing of this appeal that they no longer have the facility of informing themselves of any trends in betting which might be discerned by inquiry of corporate bookmakers or of Betfair. We have to say that we are surprised that this facility is now not available.

The appeal deposit may be refunded as to one moiety.

B. R. Thorley, Judge
16 July 2008