

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

TRIBUNAL: JUDGE B. R. THORLEY

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

APPEALS OF S. SIMONETTA AND A. THOROUGHGOOD

DECISION

The greyhound meeting at Kempsey on 19 August 2007 was conducted in weather conditions which presented with rain. The tenth race was one in which the trainer Mr Alan Thoroughgood had a starter. The club official in charge of the driving of the lure was Mr Sam Simonetta. Both of these gentlemen had over many years occupied quite a number of positions in the hierarchy of the Kempsey Greyhound Racing Club.

The greyhound presented by Mr Thoroughgood came very speedily out of the box at the start and established a handsome lead, but it was overtaken in the final stages of the race by another greyhound. It was the belief of Mr Thoroughgood that his dog started to ease up on the race track because of the manner of the driving of the lure, namely, that it had been advanced too far ahead of the leader in the field and this reduced the enthusiasm of Mr Thoroughgood's dog to chase it. He was angered by what he thought was the position. As soon as the race had finished and he caught his dog, he went down to confront Mr Simonetta. Certainly, he grabbed Mr Simonetta by his shirt, and there were exchanged between these two a whole variety of words which included what can only be described as inappropriate and stupid Anglo-Saxon adjectives. These events were reported to the Authority stewards, and they opened an inquiry into them which commenced on 22 September and concluded on 7 November 2007.

In the result, both Mr Thoroughgood and Mr Simonetta were charged under Rule 125(1) with having done a thing which in the opinion of the stewards was improper. In the case of Mr Thoroughgood, this is particularised (as appears on page 43 of the transcript) in these terms:

"... in that you, after retrieving your greyhound from the catching pen, pushed the catching pen return gate open, letting a number of greyhounds loose, before approaching Mr Sam Simonetta, the registered lure driver, and grabbing him by

the shirt in a threatening manner and accusing Mr Simonetta that his driving of the lure had affected his greyhound's chances, which actions you acknowledge do not present a good image for greyhound racing."

In the case of Mr Simonetta, the particulars provided (as appears on page 45/46 of the transcript) are:

"...in that you, after being approached and grabbed by Mr Thoroughgood, acted in a loud, heated, abusive and threatening manner in swearing and using the word "fuckin" on a number of occasions within the proximity of the public, which does not, by your own admission present a good image of greyhound racing."

To this charge Mr Simonetta pleaded guilty. He was subjected to a period of suspension of three months together with the imposition of a fine of five penalty units, that is to say \$550. Upon his application, this order was stayed.

Mr Thoroughgood, on the other hand, pleaded not guilty, but was found guilty and was subjected to a period of three months disqualification. He did not apply for a stay of proceedings. That order for disqualification dated from 7 November 2007.

There is one feature of the evidence about which we should make mention. The particulars alleged against Mr Thoroughgood include the allegation that he "pushed the catching pen return gate open, letting a number of greyhounds loose". The video of that portion of the race has been observed by us and, whilst it is completely evident that Mr Thoroughgood was behaving in an agitated and angry fashion, we doubt that it is correct to say that he himself pushed the catching pen return gate open, letting a number of greyhounds loose. To that extent then we would not make a finding that supports that particular.

However, that he did then approach Mr Simonetta and grab him by the shirt in a threatening manner and make accusations against him, is undoubtedly correct. There is some suggestion in the evidence that the confrontation which occurred, occurred in circumstances which did not really excite such members of the public as were present at that race meeting, but we have no doubt that the whole context of it was observable, if not by the whole of the people present then by a significant number of people, and we would agree with the stewards and with the admissions made that, on the part of both of the Appellants, the conduct was such as is liable to diminish the image of greyhound racing and to that extent then was improper.

The fact is, however, that since that point of time tempers have cooled. Both these gentlemen have, as we have already said, spent many, many years together working in the best interests of the greyhound industry in the Kempsey area and have shared committee obligations. They have now healed whatever differences existed, and both of them tell this Tribunal that they are, and hope to remain, good friends.

In those circumstances, we think we are entitled to take a somewhat lesser view than was taken by the presiding stewards. We do, however, express the view that, on the information that was before the stewards, the penalties which were then imposed would not be criticised by us. We, however, propose to interfere merely to reflect our view of what has since transpired in the making up of friendly relations and in the acknowledgment of that position before this Tribunal.

In the case of Mr Thoroughgood, his appeal is dismissed, the order for disqualification is set aside and in lieu he is subjected to a period of three months suspension. That order equally will date from 7 November 2007. His appeal deposit is forfeit.

In the case of Mr Simonetta, his appeal is dismissed, the order against him for suspension for three months is confirmed, but the order for the imposition of a fine is set aside. The order for suspension will date from today. His appeal deposit also is forfeit. His it to have credit for the 12 days served before the grant of a Stay.

B. R. Thorley, Judge
12 December 2007