

# **GREYHOUND AND HARNESS RACING APPEALS TRIBUNAL**

**TRIBUNAL: B. R. THORLEY, JUDGE**

**ASSESSOR: MR A. G. MULLINS**

## **APPEAL OF Mr GREG BIRD**

### **DECISION**

This is an appeal by Mr Greg Bird, who was found guilty of a charge under Rule 163(1)(a) and had his driver's licence suspended for 28 days. The events with which we are concerned occurred during the running of the first race at Wagga Wagga on 7 December 2007. The incident involved was described by the Chairman of Stewards. After relating that the horse Amerigo Robyn (driven by the Appellant) had started from barrier six and was to the outside of Praiano, driven by driver Adam Jenkins, the Chairman continued in these words:

"As the turn has come up the drivers were still racing in those positions, and it did appear that Mr Bird has allowed Amerigo Robyn to shift from a four-wide position down towards a three-wide position. In so doing, there has been a contact to Praiano and Mr Jenkins's horse has galloped. Mr Jenkins did appeal for room. I heard the appeal."

We have viewed the DVD of the race in question, and it appears to us that the description given by the Chairman of Stewards perfectly describes the events at stake. It follows then that Mr Bird's manoeuvre was not in compliance with the rule and that the finding of guilt was properly entered. His appeal, however, is limited to the issue of severity. He points to the fact that he has been involved in the industry for some 30-odd years. He is basically a publican in the township of Jindera but trains and drives harness racing horses as a hobby. Over that span of time he has not accumulated a significant record, but it is noteworthy, as indeed the stewards noted, that on 17 November 2007 he was subjected to a 14-day suspension for a breach of exactly the same rule.

In those circumstances, this offence having occurred so shortly after the earlier offence, it is not surprising that the stewards imposed the length of order which they in fact did. We are not disposed to vary the stewards' order. We think it was correct. Hence, the appeal is dismissed.

The Appellant has been on a stay of proceedings since 14 December. His 28 days then should be subjected to a credit for the period that he was suspended before the stay was granted.

His appeal deposit is forfeit.

B. R. Thorley, Judge  
16 January 2008