

RACING PENALTIES APPEAL TRIBUNAL DETERMINATION

REASONS FOR DETERMINATION

APPELLANT: **DAVID HOBBY**

APPLICATION NO: **A30/08/834**

PANEL: **MS KAREN FARLEY SC (CHAIRPERSON)**

DATE OF HEARING: **12 MARCH 2020**

DATE OF

DETERMINATION: **12 MARCH 2020**

IN THE MATTER OF an application for leave to appeal by Mr David Hobby against the determination made by Racing and Wagering Western Australia Stewards of Greyhound Racing on 21 February 2020 to place SPRITE MONELLI on a satisfactory field trial for breach of Rule 71 of the Rules of Greyhound Racing.

Mr David Hobby represented himself

Mr D Borovica represented the respondent

1. This Application for leave to appeal was heard by me on 12 March 2020. On that day, I refused leave to appeal and stated that I would publish my reasons later.

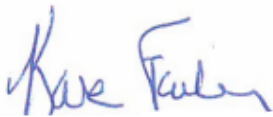
These are my reasons.

2. On 21 February a Notice of Satisfactory Trial pursuant to Rule 71(1) of the Rules of Greyhound Racing was issued to Mr Hobby in relation to his greyhound SPRITE MONELLI who had raced in Race 6 on the card that evening at the Mandurah race meetings.

3. An inquiry was held by Stewards following the last race on the evening. The panel comprised Mr Graham O'Dea (Deputy Chief Steward) and Ms Emily Alessandrino (Stipendiary Steward). Also present was Mr Matt Pascoe, a Cadet Steward. Mr Hobby was questioned and given the opportunity to defend his dog.
4. Stewards also had a report from a veterinarian, Dr Beka Dobson. That report stated that SPRITE MONELLI had *"come back with right hind adductor injury (groin) and right hindleg calf injury and pain carpal bone."*
5. Stewards heard from Mr Hobby and watched the race video as well as the video of SPRITE MONELLI's previous race on 14 February, in which Mr Hobby claimed that SPRITE MONELLI raced similarly.
6. Mr Hobby strongly submitted that his dog had done nothing wrong. He contended *"I just seem to think there was nothing wrong with tonight's run."*
7. The Stewards disagreed. They stated that they *"have formed the opinion that the greyhound SPRITE MONELLI has not performed to the satisfaction of the Stewards in race 6, which is a breach of R71..."* They ordered that SPRITE MONELLI must complete one field satisfactory trial prior to nominating for another race.
8. Mr Hobby filed a Notice of Appeal against this decision in the Tribunal on 24 February 2020. At the hearing, the parties agreed that I should treat the Notice of Appeal as a Notice of Application for Leave to Appeal. Both parties subsequently provided written submissions in relation to the matter which I read and considered. I was also provided with a copy of what seems to be the only other decision of the Tribunal of a similar nature (Appeal 644 Julien v RWWA Stewards of Greyhound Racing, 12 December 2005). In that matter, leave was refused.
9. At the hearing, Mr Hobby reiterated that he could not see anything wrong with SPRITE MONELLI's run. He stated that his dog had raced in no different manner than in previous races. He strongly refuted that the dog raced ungenerously and claimed that Stewards unfairly target greyhounds racing in blinkers (although no evidence was put forward to support his claim).
10. Stewards maintained that it was their contention that SPRITE MONELLI had raced ungenerously around the first turn and that, in their opinion, the run was unsatisfactory.
11. As was said in Appeal 066 Cooper and Baker v WATA Stewards, 6 May 1992, the granting of leave to appeal:

"involves the exercise of a discretion which the Tribunal is only able to do in favour of an appellant where it can be demonstrated that there are special or unusual circumstances...Leave should not be granted...in a case where an aggrieved appellant disagrees with the view adopted by the Stewards and seeks to have his own perception or interpretation of an incident adopted by the Tribunal and substituted for that of the Stewards."
12. This is such a case. Mr Hobby has been involved in greyhound racing for 45 years and is extremely experienced. He strongly disagrees with the opinion of the Stewards in this matter.

13. Even if I were to agree with Mr Hobby in this particular instance however, I am unable to find any impropriety exhibited by the Stewards in arriving at their opinion. I am also unable to conclude that there is any public interest (over and above that peculiar to Mr Hobby) in the Tribunal further entertaining this matter.
14. In any event, in the circumstances, there are no reasonable prospects of success in this appeal.
15. For these reasons, I refused leave.



KAREN FARLEY SC, CHAIRPERSON

