

**RACING APPEALS  
TRIBUNAL  
NEW SOUTH WALES**

**TRIBUNAL MR E SELWYN OAM**

**DECISION**

**THURSDAY 26 JULY 2018**

**APPELLANT DOUGLAS HEWITT**

**AUSTRALIAN HARNESS RACING RULE  
250(1)(a)**

**DECISIONS: 1. Appeal dismissed; conditions  
imposed on penalty  
2. Appeal deposit forfeited**

Douglas Hewitt is an A Grade licensed driver and appeals a decision of the stewards, who suspended him for a breach of Rule 250(1)(a).

Mrs Prentice appeared for Harness Racing New South Wales and Mr R. Greenhill, Senior Counsel, appeared for the appellant, instructed by Mr Ross Higgins.

Harness Racing New South Wales relied on material tendered at the stewards' inquiry, plus the exhibits, and today tendered further some Lion Breath Analysis Australia certificates, the Harness Racing New South Wales drug and alcohol policy, stewards' reports, notes to an industry document concerning changes to the policy in drug and alcohol.

Mr Greenhill tendered testimonials from an impressive array of people: Lex Crosby, President of the Western Districts Harness Racing Association. Dr George Coronos of Coronos O'Hehir Veterinary Surgeons, Bathurst. D. Dwyer, manager of the Bathurst Panthers Football Club. C. Turnbull, President of the Bathurst Mini Trotting Club. And S. and J. Turnbull.

The counsel for the appellant also called the appellant himself and his father, Mr Bernard Hewitt. The appellant is a young man who has held an A Grade licence for about three and a half years. This charge is his first as a breach of this rule. The appellant's evidence basically attested to the effect upon him of the suspension order and he was open about what had happened, which preceded the commission of the offence.

The references tendered speak very highly of this young man. References often do. Unfortunately, what weight can be given to them is outweighed by the fact that the charges, the breaches of the rules faced by the appellant, are serious and go to the core of the Authority's present stance that a high standard must be maintained. The appellant is a young man and he must realise that at this stage of his career he has to be extremely careful about the way he conducts his life, especially with concern to his harness racing interests.

The Tribunal must weigh up the competing interests of maintaining the integrity of the industry and balancing that with the appellant's subjective features. The appellant has some very compelling subjective matters such as the fact that it is the first time he faced this charge, his referees speak highly of him, and the effect of the suspension and the enormous difficulties it has caused his parents in the carrying out of their harness racing enterprise.

The appellant attended a special event for his football club, where he is now coaching the first-grade team, and although when cross-examined he was candid enough to say he could not be a hundred percent sure as to how much alcohol he did consume, concedes that it was about 12 beers.

Harness Racing New South Wales has a zero tolerance to alcohol and so this Tribunal must reinforce the high standard that the Authority has set in these types of matters.

The appellant's father was a very impressive witness and gave compelling evidence as to the difficulties that he faces in now trying to run his business at Georges Plains without the assistance of the son and spoke very strongly about the effect upon his operations and the effect on his wife of the drought, which is causing him to have to hand-feed his 40-odd horses and also spoke about the difficulty involved in a virus – he called it a severe winter virus – currently plaguing his area.

The Tribunal is mindful of the difficulties that the appellant's parents are undergoing and despite the fact that the integrity of the industry must be maintained to its highest degree, the Tribunal is prepared to vary slightly some of the conditions of the suspension to allow this young appellant to assist his parents in the running of the farm and the horses.

The period of suspension will be maintained, or confirmed, but on condition that the appellant, Douglas Philip Hewitt, lodge with the chief of stewards, or his nominee, a certificate from a recognised drug and alcohol counsellor that he has attended and completed, as well as he can, two sessions of counselling dealing with the issue of alcohol, he will be permitted to help his father hand-feed the horses on the property at Georges Plains until the drought breaks, if it is less than four months, and he will be permitted to assist his father in the duties involved in trying to deal with the severe winter virus that has afflicted his father's property.

Despite the fact that the order has been slightly varied in favour of the appellant, I do order that the deposit paid be forfeited.

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