



INTERNAL REVIEW DECISION
(Internal Review Decision Notice in response to an Application for Internal Review)

PART 1: Details of Internal Review	
Internal Review Number:	Internal Review 0016-19
Applicant's Name:	Trevor Rowe
PART 2: Decision History	
Original Decision:	Breach of Rule 175(n) of the Australian Rules of Racing
Original Decision Makers:	K Daly, P Chadwick, S Heidke
Date of Original Decision:	11 February 2019
Internal Review Decision:	Original decision set aside
Internal Adjudicator:	Mr Ross Barnett, Queensland Racing Integrity Commission
Date of Internal Review Decision:	5 March 2019
PART 3: Summary of Internal Review Application	
<p>The Applicant, Trevor Rowe trainer of MBWALI when it presented to race at the Cairns Jockey Club on 11 February 2019, was found guilty of a charge of committing an act of animal cruelty to a horse pursuant to Australian Rule of Racing 175(n):</p> <p>Australian Rule of Racing 175(n) states:</p> <p><i>"Any person who in the opinion of the Stewards commits or commissions an act of cruelty to a horse, or is in possession or control of any article or thing which, in their opinion, has been made or modified to make it capable of inflicting cruelty to a horse."</i></p> <p>At the stewards' inquiry conducted on 11 February 2019, the Applicant was found guilty of a charge pursuant to Australian Ryle of Racing 175(n) in that the Applicant as Trainer of MBWALI, applied a twitch to the nose of MBWALI when saddling that runner prior to Race 8. In considering penalty the Stewards' considered the circumstances of the incident, the negative impact on the image of the sport from using a twitch on race day and his unblemished record over a long period of time. The Stewards' subsequently fined the Applicant \$400.</p> <p>The Applicant sought a review of charge and penalty and submitted the following in support of their application: <i>I don't believe that I am guilty of the charge. Reasons being that under Rule AR175(n) it is an opinion that I committed an act of cruelty by using a Twitch which in the Stewards' opinion is capable of inflicting cruelty to a horse.</i></p>	



Evidence attached clearly show that it is a fact not an opinion that a Twitch is a painless, calming tool used by horsemen and Vets throughout the world.”

The Applicant also supplied a letter dated 21 February 2019 which read:

“The use of a twitch was used by a swab attendant and the attending vet after my horse Stanford won a Benchmark 60 handicap over 1609m in Townsville on June 17, 2016, not at my request. Given that procedure took place at the Townsville Turf Club with no repercussions I don't believe that there should be a rule not allowing the use of a twitch in some circumstances and not others.

At Cairns Racecourse on the date of my charge there was and has been a twitch in the swabbing room if required to be used by the swabbing attendant and vets.

Since 2008 I have had over 3300 runners throughout Queensland and this is the only horse that I have used a twitch on at the races as I believe that it was in the best interest of safety and welfare to both horse and staff.

Attached is factual evidence supporting my decision.”

The Evidence supplied included:

- An article comparing lip-twitching and ear-twitching from the RSPCA Australia Science Update Issue 57, 2017.
- Exert from the Wikipedia article on the Twitch device, noting it is considered a humane method of restraint by horsemen and veterinarians.
- Article from Horse.com considering existing research on how a nose twitch affects a horse.

The outcome sought by the Applicant was that the charge be withdrawn.

PART 4: Reasons for Internal Review Decision

The Applicant was the Trainer of MBWALI when it presented to race at the Cairns Jockey Club on 11 February 2018. The Applicant's submissions in defense of the charge, in brief, state that use of a twitch is widely used by Horsemen and Veterinarians and that they are widely considered to be a humane treatment to assist In calming down horses.

In weighing up the evidence, the reviewer finds that the welfare of the horse is paramount. In considering the Applicant's submissions, the reviewer accepts the evidence provided in the RSPCA that a lip twitch *“subdues the horse by stimulating endorphin release and causes an analgesic effect”*.¹ The reviewer also accepted the existing research

¹ RSPCA Australia Science Update Issue 57, 2017.



referred to which “concluded that nose twitches when properly applied, are a humane restraint for short usage situations.”²

The reviewer acknowledges that there is sufficient evidence available to conclude that the use of a twitch on a horse, when used appropriately is not considered to be an act of cruelty on a horse.

The reviewer notes each case is treated on its merits and set of circumstances and, in weighing up the evidence including the aforementioned factors, finds the Applicant was not in breach of Australian Rule of Racing 175(n) and was acting in the best interests of the horse and in the circumstances is not completely satisfied that such actions were considered to be animal cruelty and accordingly finds the original decision on charge and penalty be set aside.

PART 5: Review Rights following Internal Review Decision

In accordance with section 246 of the *Racing Integrity Act 2016*, as the applicant for an internal review of the original decision, you are able to apply to the Queensland Civil and Administrative Tribunal (QCAT) for an external review of the internal review decision.

An external review is commenced by lodging the appropriate forms with QCAT. In accordance with section 33 of the *Queensland Civil and Administrative Tribunal Act 2009*, an application for an external review of an internal review decision is to be made within 28 days from the day this internal review decision notice is provided to the applicant.

For further information regarding the processes for an external review of the decision, please contact QCAT:

Queensland Civil and Administrative Tribunal

Registry Location: Level 9, 259 Queen Street, BRISBANE QLD 4001

Postal Address: GPO Box 1639, BRISBANE QLD 4001

Phone: 1300 753 228

Email: enquiries@qcat.qld.gov.au

² Article from Horse.com considering existing research on how a nose twitch affects a horse, namely med Ali, BVSc, MS, of Michigan State University’s (MSU) Department of Animal Sciences as well as Cairo University’s Animal Management and Behaviour Faculty of Veterinary Medicine, in Egypt, compared horses’ behaviors and heart rate with and without twitch application (2015).