

DETERMINATION AND REASONS FOR DETERMINATION OF
THE RACING PENALTIES APPEAL TRIBUNAL

APPELLANT: STEPHEN JAMES MILLER
APPLICATION NO: A03/08/282
PANEL: MR D MOSSENSON
DATE OF HEARING: 16 NOVEMBER 1995

Mr J J Miller was granted leave to represent the appellant.

Mr B W Lewis represented the WA Turf Club Stewards.

Australian Rule of Racing 137 states:

“Any rider may be punished if, in the opinion of the Stewards:

(a) He is guilty of careless, improper, incompetent or foul riding ...”

At the Stewards' inquiry the appellant was charged as follows:

“...near the 850 metres in Race 6, the Murray R.S.L. Sprint you allowed your mount SYDNEY BOY to shift inwards when insufficiently clear of TIME FRAME ridden by L. Coffey, which had to ease and shift inwards causing BEST SELLER ridden by D. Haw to be tightened and lose ground. ...”

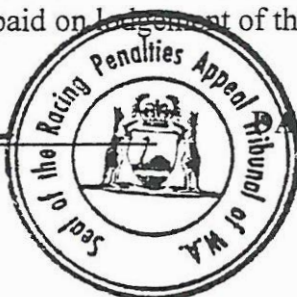
Mr Miller has appealed against his conviction of 12 days suspension under Rule 137(a) after an incident at Pinjarra Race Club on 9 November 1995.

For me to interfere with the decision of the Stewards in view of the wording of that particular provision, I must be persuaded that on the evidence the Stewards could not reasonably have arrived at the opinion which they did.

I have had the opportunity of perusing the transcript, of viewing the video and of hearing the submissions that have been made to me by both parties.

I am not persuaded that the Stewards were in error in forming their opinion of the incident. I am satisfied that the Stewards were entitled to convict Mr Miller. I therefore confirm the conviction and dismiss the appeal. The fee which was paid on lodgement of the appeal is forfeited.

Don Mossenson



DAN MOSSENSON, CHAIRPERSON

28 /11/95