

DETERMINATION AND REASONS FOR DETERMINATION OF
THE RACING PENALTIES APPEAL TRIBUNAL

APPELLANT: GRAHAM FRANCIS JORDAN
APPLICATION NO: A30/08/305
PANEL: MR D MOSSENSON (CHAIRPERSON)
DATE OF HEARING: 21 MAY 1996

IN THE MATTER OF an appeal by Mr G F Jordan against the determination made by Western Australian Turf Club Stewards on 15 April 1996 imposing a fine of \$500 under Australian Rule of Racing Rule 8(d).

Mr G F Jordan represented himself.

Mr J Zucal represented the WA Turf Club Stewards.

This is an appeal by Graham Francis Jordan, a licensed trainer with the Western Australian Turf Club, against a determination made by the Turf Club Stewards on the 15 April 1996. In the course of an inquiry before the Stewards, Mr Jordan was charged under Australian Rule of Racing Rule 8(d) with improper conduct. The particulars of the improper conduct which were provided read:

"...you spoke to Mr Hunter, a car park attendant, in an abusive and offensive manner in the car park of Ascot Racecourse on 6 April 1996. ..."

Mr Jordan was convicted of the charge and the Stewards imposed a penalty of \$500. Mr Jordan has not appealed against the severity of the penalty but rather against the conviction on the basis that:

"Two witnesses of the WATC were intoxicated and their evidence was unreliable and/or untrue. The WATC main witness was proven to be an alcoholic and caused the incident."

I have had the benefit of reading the transcript of the Stewards' inquiry, of hearing the submissions made by Mr Jordan on the one hand and Mr Zucal representing the Stewards and also examining a plan showing the layout at the car park and the approximate positions of the participants who gave evidence during the course of the inquiry. The rule in question reads:

"To assist in the control of racing, Stewards shall be appointed according to the Rules of the respective Principal Clubs with the following powers.

...

- (d) *To regulate and control, enquire into and adjudicate upon the conduct of all Officials and licensed persons, persons attendant on or connected with a horse and all other persons attending a racecourse and to punish any such person in their opinion guilty of improper conduct or unseemly behaviour. ..."*

The Stewards found Mr Jordan guilty of abusive language towards Mr Hunter. It has been clearly demonstrated to my satisfaction by Mr Zucal that on any number of occasions during the course of the proceedings before the Stewards, that Mr Jordan did agree that he did use abusive language towards Mr Hunter.

The words of the Rule in question require me to be satisfied for this appeal to succeed that no reasonable Stewards, armed with all of the relevant material that was placed before these Stewards, could reasonably have come to the opinion which these Stewards did of the incident. I am not persuaded by anything that has been put to me by Mr Jordan that these Stewards were in error in accordance with that test which I have just enunciated.

I am satisfied that, on the evidence which was before the Stewards together with the additional material presented to me, Mr Jordan's grounds of appeal have not been made out.

In those circumstances, I dismiss the appeal and confirm the conviction which has been imposed. The fee paid on lodgement of the appeal is forfeited.

Dan Mossenson.

DAN MOSSENSON, CHAIRPERSON



11/6/96