

DETERMINATION AND REASONS FOR DETERMINATION OF
THE RACING PENALTIES APPEAL TRIBUNAL

APPELLANT: DARREN ROWE

APPLICATION NO: A30/08/412

PANEL: MR D MOSSENSON (CHAIRPERSON)
MS K FARLEY (MEMBER)
MR J HEALY (MEMBER)

DATE OF HEARING: 8 APRIL 1998

DATE OF DETERMINATION: 8 APRIL 1998

IN THE MATTER OF an appeal by Mr D Rowe against the determination made by Western Australian Greyhound Racing Association Stewards on 28 March 1998 imposing a three month disqualification of the greyhound CLASSIC RENEGADE for a breach of Rule 170 of the Rules Governing Greyhound Racing in Western Australia.

Mr D Rowe represented himself.

Mr C Martins appeared for the Western Australian Greyhound Racing Association Stewards.

This is an appeal by Mr Darren Rowe against the determination made by Western Australian Greyhound Racing Association Stewards in relation to an incident which occurred at Cannington Greyhounds on 28 March 1998. After a short inquiry the Stewards concluded that the greyhound CLASSIC RENEGADE which ran in Race Nine was to be disqualified under Rule 170.

Mr Martins gave evidence in the course of the inquiry that from his vantage point he observed CLASSIC RENEGADE "... veer in, turn its head and, when it did so, made muzzle contact with the number eight greyhound approaching the winning post and in my opinion, that constituted the act of fighting".

In the course of the proceedings Mr Goddard, one of the owners of the greyhound, gave evidence that he just saw CLASSIC RENEGADE turning its head slightly. That evidence is consistent with the evidence given by Mr Martins and is also consistent with the ultimate conclusion which the Stewards reached in relation to the incident.

In announcing the outcome of the Stewards' inquiry Mr Sumner stated:

"... we do feel that the dog has turned it's head and has made muzzle contact and this dog will be disqualified for three months at all tracks under Rule 170 for fighting."

This was the second conviction for this particular greyhound for breach of this Rule.

Rule 170 is very clear and makes our determination of the matter a relatively simple exercise. The Rule states:

- “(1) Where in the opinion of the Stewards a greyhound fights during a race the Stewards shall submit a report of their findings to the Board and shall disqualify the greyhound in accordance with this Part of these Rules.*
- (2) Any question as to what constitutes the act of fighting shall be determined by the Stewards.”*

As was made clear by the Stewards in 1991 there are two elements to the offence. The Tribunal has on a number of previous occasions referred to those elements to be a greyhound turning its head and making muzzle contact with another greyhound.

The evidence that was placed before us comprises the transcript of the inquiry as well as the video of the race. We have listened carefully to Mr Rowe’s explanation and to the submissions which he made.

In all of the circumstances we are satisfied that the Stewards were entitled to form the opinion which they did of the incident and that it was reasonably open to them to come to that conclusion. The wording of the Rule prevents us from substituting our own opinion for that of the Stewards. It is certainly not the case that an appellant can succeed in an appeal against a breach of this Rule simply on the basis of an appellant’s own opinion of the incident concerning the appellant’s greyhound.

In those circumstances the appeal fails and is dismissed. The fee paid on lodgement of the appeal is forfeited.

Dan Mossenson

DAN MOSSENSON, CHAIRPERSON

