

DETERMINATION AND REASONS FOR DETERMINATION OF
THE RACING PENALTIES APPEAL TRIBUNAL

APPELLANT: SUSAN RAE ROBERTS
APPLICATION NO: A30/08/497
PANEL: MR D MOSSENSON (CHAIRPERSON)
DATE OF HEARING 13 APRIL 2000
DATE OF DETERMINATION: 13 APRIL 2000

IN THE MATTER OF an appeal by Susan Rae Roberts against the determination made by the Western Australian Trotting Association Stewards on 24 March 2000 imposing 14 days suspension for breach of Rule 163(1)(a) of the Rules of Harness Racing.

The appellant represented herself.

Mr R J Denney appeared for the Western Australian Trotting Association Stewards.

On the 24 March 2000 the Stewards of the Western Australian Trotting Association conducted an inquiry into an incident which occurred during the running of Race 8 at Gloucester Park on that evening. The Stewards called in three drivers including Ms Roberts who drove MEDUSA RUN in that race. After hearing evidence from the drivers and after viewing the video of the race the Stewards decided to issue a charge of causing crossing against Ms Roberts under the provision of Rule 163(1)(a) of the Rules of Harness Racing.

The specifics of the charge read:

"...after the start of Race 8 when you've angled Medusa Run for a position closer to the pole you've tightened the - or obliged Mr. - or Returnedserviceman (sic) to move down the track and then in turn checked Mr Retzlaff's drive The Toecrusher and he was obliged to restrain that horse and as a result it's raced roughly - became unbalanced and raced roughly."

Rule 163(1)(a) states:

"(1) A driver shall not-

(a) cause or contribute to any crossing, jostling or interference"

...

After Ms Roberts acknowledged that she understood the charge she entered a plea of not guilty.

Further evidence was presented. The film was viewed again from one of the cameras and then from another camera. Eventually, after an adjournment, the Stewards found that the charge was sustained.

Ms Roberts was then asked to speak regarding the penalty. The transcript reveals some brief discussion in that respect. Finally the Stewards announced, after taking into account Ms Roberts' driving record and the circumstances of the incident, that the appropriate penalty was a 14 day suspension. The Stewards pointed out they usually impose a 21 day suspension for a charge of this nature. However, allowing for the circumstances, they considered that a 14 day suspension was appropriate.

Ms Roberts has appealed against both the conviction and the penalty claiming innocence, the fact that the evidence does not support the conviction and arguing that the penalty is excessive.

I have had the benefit of hearing the arguments from both sides and at the same time have viewed the video and have had the opportunity of studying the transcript of the Stewards' inquiry. I am not persuaded by any of the propositions that have been put forward by Ms Roberts that the Stewards have erred in reaching the conclusion in relation to the incident. I am satisfied that it was open to the Stewards to find that there was a breach of Rule 163(1)(a) of the Rules of Harness Racing. I am not persuaded by the argument put forward that it wasn't Ms Roberts' fault and that Ms Roberts did not cause the interference or did not cross.

The appeal against conviction is dismissed.

So far as the penalty is concerned I am also not persuaded that the Stewards have fallen into any error in coming to the conclusion to impose a penalty of 14 days suspension. I am satisfied that that penalty was open to the Stewards in all of the circumstances of this matter.

The appeal against penalty is also dismissed.

The order made on the 4 April 2000 suspending operation of the penalty ceases to operate immediately.

Dan Mossenson

DAN MOSSENSON, CHAIRPERSON

