

DETERMINATION AND REASONS FOR DETERMINATION OF
THE RACING PENALTIES APPEAL TRIBUNAL

APPELLANT: GARY EDWARD HALL
APPLICATION NO: A30/08/509
PANEL: MR D MOSSENSON (CHAIRPERSON)
DATE OF HEARING 6 JULY 2000
DATE OF DETERMINATION: 6 JULY 2000

IN THE MATTER OF an appeal by Mr G E Hall against the determination made by the Western Australian Trotting Association Stewards on 6 June 2000 imposing a six week suspension for breach of Rule 149(1) of the Rules of Harness Racing.

The appellant represented himself.

Mr M J Skipper appeared for the Western Australian Trotting Association Stewards.

Mr Hall has appealed against the decision of the Stewards of the Western Australian Trotting Association imposing a 6 week suspension for breach of Rule 149(1) of the Rules of Harness Racing. The breach occurred in Race 6 at Gloucester Park on 2 June 2000.

A brief inquiry was convened following the race. At the resumption of the inquiry on 6 June 2000 further evidence was adduced which led to the Stewards charging Mr Hall in the following terms:

"Mr Hall in deciding these matters the Stewards do take into account the experience and ability of the driver involved.

And it's our view in assessing the evidence that it wouldn't have been unreasonable after the torrid early pace that there would be an expectation that the pace in the middle stages of the race it would back off.

It's not apparent to the Stewards that MAKE THE RULES was, or was going to become, uncontrollable or over-race at the lead of the one wide. We think that to be concerned about giving KEYONYMOUS a favoured trip, should not have outweighed the significantly reduced opportunity to MAKE THE RULES in racing behind the leader in the circumstances of the race.

You issued the second challenge with the knowledge that MAKE THE RULES may become keen and when Reed had clearly indicated that he wanted to lead. It is the Stewards decision to issue a charge against you under the Rule 149, which states:

Part 1. "A driver shall take all reasonable and permissible measures during the course of a race to ensure that the horse driven by that driver is given full opportunity to win or obtain the best possible place in the field."

Part 2. "A driver who fails to comply with Part one is guilty of an offence."

The specifics of the charge against you that; your failure to rate the horse at the lead of the one wide rather than issue the second challenge, and your failure to move back to the lead of the one wide line when you had the opportunity in the front straight on completion of a lap. You did fail to ensure that MAKE THE RULES was given full opportunity to win or obtain the best possible place in the field."

Mr Hall pleaded not guilty but did not put any further evidence to the inquiry. He was found guilty and a 6 week suspension of his driving licence was imposed. Mr Hall appealed on the following grounds:

1. *Not guilty of offence.*
2. *Stewards error in their assessment of horses chances if driven in their way.*
3. *Stewards disregard of my opinion as a trainer of 30 yrs experience at the highest level."*

I have had the opportunity of hearing the explanation from Mr Hall regarding how he claims he drove in the race in question and the benefit of hearing from Mr Skipper in regard to the matter. As well, I have viewed the video of the race and studied the transcript of evidence of the inquiry.

I am not convinced that the Stewards were in error in arriving at the decision which they did. The rule in question places an obligation or an onus on all drivers during the course of a race to ensure that their horses are given the full opportunity to win or obtain the best possible place in the field. That obligation applies in two respects in that:

1. All reasonable measures have to be taken; and
2. All permissible measures have to be adopted.

I am not satisfied from the explanation offered by Mr Hall that he has addressed the requirements of the rule. On the other hand I am persuaded by the logic and the substance of the argument presented on behalf of the Stewards.

In those circumstances the appeal fails and is dismissed.

Dan Mossenson



DAN MOSSENSON, CHAIRPERSON