

THE RACING PENALTIES APPEAL TRIBUNAL

REASONS FOR DETERMINATION OF MR D MOSSENSON
(CHAIRPERSON)

APPELLANT: SHANE LOONE
APPLICATION NO: A30/08/713
PANEL: MR D MOSSENSON (CHAIRPERSON)
DATE OF HEARING AND
DETERMINATION: 7 DECEMBER 2009

IN THE MATTER OF an appeal by MR S LOONE against the determination made by the Racing and Wagering Western Australian Stewards of Harness Racing on 13 November 2009 imposing a 33 day suspension for breach of Australian Rule of Racing 163.

Mr S Loone appeared in person.

Mr W J Delaney appeared for Racing and Wagering Western Australian Stewards of Harness Racing.

This is an appeal by Mr Shane Loone against a determination made by the Racing and Wagering Western Australian Stewards of Harness Racing following an inquiry into an incident that occurred at Gloucester Park on the 13 November 2009. Two Stewards gave evidence of what they had observed of the incident live. The video of the race was played. In addition the Stewards received evidence both from Mr Loone and the other driver involved Mr Suvaljko. The Stewards came to the conclusion to lay a charge against Mr Loone of causing interference, the specifics being:

'Racing out of the front straight on the first occasion Mr Loone shifted in with WATTA SPECIAL when not sufficiently clear of HOMER LAVROS and as a result, that gelding had been contacted and broke gait thereby receiving interference.'

Mr Loone pleaded not guilty. Some further evidence was presented and after viewing the film the Stewards retired for a short while and then reached their conclusion. The Stewards were satisfied that Mr Loone had *"failed to comply with the provisions of Rule 165 and had shifted in with WATTA SPECIAL when not sufficiently clear of HOMER LAVROS resulting in that gelding being contacted and receiving interference"*. The Stewards therefore found Mr Loone guilty and went on to impose a 33 day suspension of Mr Loone's driver's licence.

Mr Loone has appealed against the conviction. In his notice of appeal he specified his grounds of appeal as *'not guilty of charge, was clear when making move.'*

I have had the benefit of studying the transcript of the Stewards' inquiry, listening to the arguments from both sides and viewing the film of the race. I am not persuaded the Stewards were in error in reaching the conclusion which they did in relation to the driving incident. I am satisfied that Mr Loone was in breach of the Rule in question and was therefore appropriately convicted by the Stewards. For those reasons I dismiss the appeal and confirm the conviction. The penalty stands.



DAN MOSSENSON, CHAIRPERSON

