

THE RACING PENALTIES APPEAL TRIBUNAL
ERRATUM REASONS FOR DETERMINATION OF
MR D MOSSENSON (CHAIRPERSON)

APPELLANT: GARY HALL JNR

APPLICATION NO: A30/08/777

PANEL: MR D MOSSENSON
(CHAIRPERSON)

DATE OF HEARING: 13 April 2015

DATE OF DETERMINATION: 13 April 2015

IN THE MATTER OF an appeal by GARY HALL JNR against a determination made by Racing and Wagering Western Australia Stewards of Harness Racing imposing an 11 day suspension for breach of Harness Rule of Racing 163(1)(b).

Mr Gary Hall Snr appeared for the appellant.

Mr Brendan Summer represented the Racing and Wagering Western Australia Stewards of Harness Racing.

INTRODUCTION

This is an appeal by Gary Hall Jnr against a charge of breach of Rule 163(1)(b) of the Rules of Harness Racing that he made another horse cover more ground than necessary. The specifics of the charge as appears at page 7 of the Stewards' inquiry transcript are that in Race 5 held on 24 March 2015, whilst racing out of the front straight on the first occasion Mr Gary Hall Jnr shifted wider on the track from his initial position which was closest to the marked pegs when not clear of Mr Young's drive to his outside. This movement forced Mr Young to move wider on

the track. The Stewards came to the opinion that the appellant's movement forced Mr Young's horse to cover more ground than necessary.

Mr Hall Jnr pleaded not guilty to the charge and submitted by way of explanation a description of his position on the track which conflicted with the evidence that had been given by both Steward Courtland and also by Mr Young, the other driver.

I have carefully listened to the propositions put by both parties who described their interpretation of what transpired in the race. I have also had the benefit of reviewing on a number of occasions the various race films of the incident and have studied the transcript.

Rule 163, like many offence provisions relating to the driving or riding matters that come before the Tribunal by way of an appeal, does contain the phrase "*in the opinion of the stewards*".

Despite that I am not satisfied that the Stewards were correct in the assessment which they made of Mr Hall Jnr's particular drive. Rather, I have been persuaded by the argument presented to me by Mr Gary Hall Snr as to the respective positions on the track of the two drivers in question and the consequences of the appellant's drive. I am satisfied the appellant's drive did not cause Mr Young's horse to cover extra ground.

In those circumstances I do allow the appeal and quash the conviction. I order the lodgement fee be refunded.



DAN MOSSENSON, CHAIRPERSON

