

DATE: FRIDAY 13 APRIL 2018

RAT 4/18

TRIBUNAL: DEPUTY PRESIDENT MR M KING

IN ATTENDANCE: MS LISA MICHALANNEY, INTEGRITY MANAGER,
GREYHOUND RACING SA LTD APPEARS FOR
STEWARDS

APPELLANT: MR BEN RAWLINGS

IN THE MATTER of an Appeal by **Mr Ben Rawlings** against a decision of Greyhound Racing SA Ltd Stewards:

BREACH OF RULE: GAR 86(o) which states:

"A person (including an official) shall be guilty of an offence if the person has, in relation to a greyhound or greyhound racing, done a thing, or omitted to do a thing, which, in the opinion of the Stewards or the Controlling Body, as the case may be, is negligent, dishonest, corrupt, fraudulent or improper, or constitutes misconduct."

PENALTY: A fine of \$1000, of which \$500 was suspended on the condition that the Appellant not reoffend under the Rule for a period of 12 months.

DETERMINATION

The Appellant, Mr Ben Rawlings, is a licensed trainer.

On Friday, 2 February 2018, he attended at the GRSA Greyhound of the Year dinner.

This is a major public celebratory function in the industry.

The prestigious Greyhound of the Year Award is announced on that evening. The dinner is attended by Members of Parliament, Government Officials, Industry Sponsors, and other dignities.

Late in that evening, the Appellant became involved in an extended altercation with another licensed trainer.

The two ultimately had to be separated by other attendees at the dinner.

On 9 February 2018, the Stewards commenced an Inquiry into that conduct.

The Stewards heard evidence and, having heard evidence, resolved to charge both of the participants with a breach of Rule 86(o) of the Greyhound Racing Rules. Rule 86(o) states that:

"A person (including an official) shall be guilty of an offence if the person has, in relation to a greyhound or greyhound racing, done a thing, or omitted to do a thing, which, in the opinion of the Stewards or the Controlling Body, as the case may be, is negligent, dishonest, corrupt, fraudulent or improper, or constitutes misconduct."

The Stewards stipulated that the relevant portion of the Rule was the misconduct portion of the Rule and provided particulars to the Appellant, namely that he had engaged in conduct which constituted misconduct.

The Appellant pleaded guilty.

He apologised to the Stewards, he made peace with the other participant, and he expressed remorse for his part in the altercation.

After consideration of the penalty submissions, the Stewards imposed a penalty of a fine of \$1000, of which \$500 was suspended on the condition that the Appellant not reoffend under the Rule for a period of 12 months.

The Appellant has appealed to this Tribunal against the severity of the penalty imposed. His appeal has been based on two primary factors.

Firstly, he submitted that he had been treated by the Stewards as being the main initiator in the altercation, and he disputed that this was a correct interpretation of the evidence given at the Stewards Inquiry.

On my reading of the evidence before the Stewards, the Stewards, in arriving at penalty, treated both participants as having equal responsibility for the altercation, and whether the Stewards saw the Appellant as the initiator or not, did not influence the penalty which was ultimately imposed.

Secondly, the Appellant complained that his penalty was unfairly severe by comparison with other verdicts handed down under this Rule.

The Appellant submitted decisions relating to two licensed trainers who had pleaded guilty to misconduct offences at the racecourse and had received fines of \$250.

On that basis, he argued that his penalty was excessive and not appropriately comparable to earlier decisions.

In response, on behalf of the Stewards, Ms Michalanney submitted reports of two Stewards inquiries in Tasmania, one in 2006 and one in 2015. The 2006 event took place during the Australian Greyhound Racing Association presentations and dinner, and the 2015 event took place after the Harness Awards dinner in Tasmania.

In both cases, the penalties imposed were severe, and significantly more severe than those imposed in this instance.

The circumstances of any of these breaches of the Rules are not known to the Tribunal, and caution must be exercised in drawing comparisons when details of the comparators submitted are not clear. However, the Stewards' submission was that the location and circumstances of the misconduct is relevant to the penalty to be fixed.

I accept the Stewards' submission on this point.

The occurrence of an altercation such as this at the annual dinner had the potential to greatly damage the industry's reputation and thereby jeopardise government funding, financial support from sponsors, and financial support from owners. In so doing, it could jeopardise the livelihoods of participants of the industry. It risked causing serious harm to the industry.

The penalty imposed by the Stewards was significantly greater than that imposed in what appeared to be more everyday racecourse misconduct charges, but this Tribunal takes the view that the setting of the offence called for a higher penalty.

The higher penalty was justified but was softened by the suspension of a half of the penalty, which properly reflected the Appellant's plea of guilty and his mature and appropriate expression of remorse to the Stewards and again at the time of this Appeal.

For those reasons, the Appellant's appeal against penalty is dismissed.

I order that there be a refund of the applicable portion of the bond.