

RACING APPEALS TRIBUNAL

RAT 9/12

DATE OF HEARING: THURSDAY, 11 OCTOBER 2012

DATE OF DECISION: TUESDAY, 30 OCTOBER 2012

TRIBUNAL:

PRESIDENT: MR P ERIKSEN

ASSESSOR: MRS M PINCHBECK

MR M MILLS APPEARS FOR CHAIRMAN OF STEWARDS, GREYHOUND RACING SA LTD

APPELLANT: MR O CHEGIA

MR B DEEGAN APPEARS FOR APPELLANT

IN THE MATTER of an Appeal by **OSWALD CHEGIA** against a decision of Greyhound Racing SA Ltd Stewards.

BREACH OF RULE: GAR 86(f)

Rule 86: A person (including an official) shall be guilty of an offence if the person –

- (f) engages in, publishes or causes to be published, broadcasts or causes to be broadcast, the use of any contemptuous, unseemly, improper, insulting, or offensive language, conduct or behaviour in any manner or form towards, or in relation to –
 - (i) a Steward;
 - (ii) the committee, or a member of the committee, of a club;
 - (iii) the Controlling Body, or a member of the Controlling Body; or
 - (iv) any other person having official duties in relation to greyhound racing.

PENALTY:

DISQUALIFICATION OF LICENCE FOR 3 MONTHS

DETERMINATION

This appeal concerns an incident which occurred during a kennel inspection conducted by Mr Tom Hayles (Animal Welfare Officer and Stipendiary Steward) at the Appellant's property on 4 July 2012. The Appellant, following an Inquiry by the Stewards, was charged with a breach of Rule 86(f) of the Greyhound Australasian Rules. The Appellant was found guilty of the charge and his licence to train was disqualified for a period of 3 months.

The particulars of the charge, as outlined at the Stewards' Inquiry, were that the Appellant 'engaged in improper, insulting, offensive language and conduct towards a Steward.'

Rule 86(f) of the Greyhound Australasian Rules reads as follows:

Rule 86: A person (including an official) shall be guilty of an offence if the person –

- (f) engages in, publishes or causes to be published, broadcasts or causes to be broadcast, the use of any contemptuous, unseemly, improper, insulting, or offensive language, conduct or behaviour in any manner or form towards, or in relation to –*
 - (i) a Steward;*
 - (ii) the committee, or a member of the committee, of a club;*
 - (iii) the Controlling Body, or a member of the Controlling Body; or*
 - (iv) any other person having official duties in relation to greyhound racing.*

Vision, including sound, was taken during the kennel inspection by Mr Hayles and was played at the appeal hearing.

The Stewards found the offence proven and imposed a penalty of three months disqualification.

The Appellant only appealed against the sentence.

The Appellant was ably represented at the appeal by his Barrister, Mr Deegan, who presented well constructed submissions and pressed the Tribunal to view the offence in context and, in particular, to take into account the fact that a very close friend of the Appellant had passed away the day before and that the Appellant was understandably very emotionally upset. This was supported by a letter from the Appellant's General Practitioner, which was received into evidence.

Evidence was also taken during the Appeal from Mr T Hayles who conducted the inspection. Mr T Hayles, in the Tribunal's opinion, was a reliable witness.

After considering all the evidence the Tribunal is of the opinion that the Appellant's conduct was very aggressive, offensive and also involved minor but physical contact between the Appellant and

Mr T Hayles and in all the circumstances the Tribunal considers the penalty was appropriate and indeed lenient for what the Tribunal considers was a serious breach of Rule 86.

The penalty of 3 months disqualification is confirmed and will commence at midnight on Tuesday, 13 November, 2012.

The Order of the Tribunal is that the Appeal be dismissed and the bond forfeited.