

6th June 2013

RESULT of APPEAL - Mr. Paul Barry

Stewards completed an inquiry into Mr. Paul Barry's conduct at the Strathalbyn Greyhound Racing Club meeting on 11 November 2012.

Mr. Barry was subsequently charged with a breach of the GRSA Rules Of Greyhound Racing R86 (o).

Mr. Barry pleaded guilty to the charge and was subsequently disqualified for a period of 1 month and fined the sum of \$1,000.

On Tuesday 9th April 2013 the Racing Appeals Tribunal heard an appeal lodged by Mr. Barry against the Stewards decision.

Tribunal Decision – Appeal against Penalty

After accepting the Appellant's guilty plea, and hearing submissions as to penalty, the Stewards expressed the view that the appropriate penalty was a two months disqualification. Taking into account the Appellant's guilty plea and other matters, the Stewards reduced that penalty to one month disqualification and a fine of \$1,000.

The Appellant appeals against that penalty. The Appellant submits that the penalty (even as reduced) was too harsh.

The Appellant has withdrawn his plea of guilty, and loses the benefit of the discount on penalty for that reason.

The Appellant submits that the original penalty and the reduced penalty were both excessive. The Appellant submits that his conduct was no more than a normal response to the conduct of Mr. Murray and that he had little alternative in the circumstances in which Mr. Murray approached him.

I accept that Mr. Murray was the major instigator of this incident but I have found that the Appellant's conduct was more than just a passive response and that the Appellant was a significant (though lesser) contributor to the series of altercations. I take into account the appellant's otherwise good record.

I also must take into account that the series of altercations took place:

- In front of the eyes of the members of the public who were there to support the industry on that racing day:
- In the presence of other trainers and officials who were endeavouring to perform their roles and duties: and
- In the period immediately leading up to a race, at which time members of the public were entitled to expect that trainers would be focused on discharging their duties to the best of their ability.

Balancing all of those matters, I am not persuaded that the Stewards' final penalty was inappropriate. I dismiss the appeal against penalty. The Appellant's penalty will remain a disqualification of one month and a fine of \$1,000. This disqualification will commence from Midnight Monday 3rd June 2013.



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I am satisfied that the Appeal was generally instituted on reasonable grounds and pursuant to Rule 72.6 of the Constitution of Greyhound Racing SA Ltd, I order the refund to the Appellant of the applicable portion of the bond.

Paul Marks
Integrity and Standards Manager



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