

DETERMINATION AND REASONS FOR DETERMINATION OF
THE RACING PENALTIES APPEAL TRIBUNAL

APPELLANT: WILLIAM HAMPSON
APPLICATION NO: A30/08/439
PANEL: MR D MOSSENSON (CHAIRPERSON)
DATE OF HEARING 11 JANUARY 1999
DATE OF DETERMINATION: 11 JANUARY 1999

IN THE MATTER OF an appeal by Mr W Hampson against the determination made by the Western Australian Greyhound Racing Authority Stewards on 17 December 1998 imposing a fine of \$100 for breach of Rule 117(3) of the Rules Governing Greyhound Racing in Western Australia.

The appellant represented himself.

Mr C Martins appeared for the Western Australian Greyhound Racing Authority Stewards.

This is an appeal by William Hampson in relation to a conviction for breach of Rule 117(3) of the Rules Governing Greyhound Racing in Western Australia. The breach occurred in the context of a race in which the greyhound *GEORGIA LIGHTS* was due to compete on 10 December 1998 at Cannington Greyhounds.

Rule 117(3) of the Rules Governing Greyhound Racing in Western Australia states:

"Where there is to be Totalisator Agency Board off-course coverage of a meeting, any injury or illness that will prevent a greyhound from competing at that meeting shall be notified by the owner or trainer to the Board prior to 11.00 a.m. on the day of the meeting."

After conducting an inquiry into the matter the Stewards charged Mr Hampson with a breach of this particular Rule as follows:

"... you failed to notify the Board prior to 11.00 a.m. on the day of the meeting an illness that prevented the greyhound GEORGIA LIGHTS from competing at the meeting on 10 December 1998."

Mr Hampson pleaded not guilty to the charge and as a consequence the inquiry continued and eventually the Stewards came to the conclusion that a breach of the Rule had occurred.

The Stewards announced their decision in the following terms:

“Mr Hampson, the Stewards after considering all the evidence find that there is overwhelming evidence which indicates that the greyhound GEORGIA LIGHTS was withdrawn through illness after 11.00 a.m. on race day. Further, there has been no evidence presented to suggest that the greyhound was not ill prior to 11.00 a.m. You have acknowledged that you were in no position to ascertain whether or not the illness occurred prior to 11.00 a.m. which, clearly under the Rule, you should of. We therefore find you guilty as charged.”

After further investigation the Stewards came to the conclusion that this being a second offence by Mr Hampson in respect of Rule 117(3) a fine of \$100 should be imposed for the late scratching.

In the notice of appeal Mr Hampson alleges that:

“The Stewards erred in there (sic) decision given the unusual circumstances, and have no evidence to assume that the dog needed to be scratched befor (sic) 11.00 am and exsessive (sic) fine.”

I have listened very carefully and indeed patiently to Mr Hampson's submissions in regard to the matter. Essentially the argument that has been raised boils down to a claim that there was no proof that at 11.00 a.m. on the day in question the greyhound was suffering from an illness. Further it is argued that on other occasions other people have not been fined for the late scratching of their greyhounds.

In reply Mr Martins has explained to me that the purpose and intention of the Rule is to assist with the orderly conduct of betting in relation to greyhound racing. There is a practical need for compliance in sufficient time so that the TAB can inform its agencies of the state of the field. This includes whether any nominated reserve will be given a start or scratched at that time. The consequence of late notification, as occurred on this occasion, is the likely adverse impact on the betting and consequently the revenue that may be generated from betting. As well, there is the inconvenience to punters of having to obtain refunds on investments made on the particular greyhound.

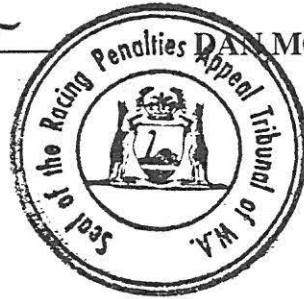
It is entirely clear, as Mr Martins has pointed out, that those who participate in greyhound racing and present animals to race are bound by and must comply with the provisions of the Rules Governing Greyhound Racing in Western Australia. There is obviously good reason behind the Rule in question as has become clear to me not just from having read the transcript and having heard from Mr Martins but also from having listened at some length to what Mr Hampson has had to say in defence of his position.

Mr Hampson still cannot see the error of his ways in regard to this matter. It is very clear from the material that was placed before the Stewards and reinforced by what is being presented to me today in argument by Mr Hampson that the action that was taken by Mr Hampson some time after the allotted hour in withdrawing the greyhound was required or brought about because of the physical condition of the greyhound by the time that Mr Hampson had entered onto the scene. Some time prior to and up to the point when a proper scratching could occur Mr Hampson apparently was on his way back to Western Australia from the Eastern States in an aeroplane and was not in a position to determine whether or not the greyhound should race. Apparently Mr Hampson had made no arrangements for anyone else to carry out the necessary checks to determine that particular matter. That situation is unsatisfactory. There is an obligation on an owner or trainer to ensure prior to 11.00 a.m. on the day of a race that a greyhound is in a fit condition to race.

As to the assertions by Mr Hampson that there was no evidence that the greyhound was ill and that the Stewards have not proved the greyhound was ill, it is quite clear from Exhibit 4 which was the Swan Veterinary Hospital certificate from Dr Huber that for the previous two months the greyhound did have a particular condition and there is nothing incompatible or inconsistent with the evidence which was given by Mr Hampson to the Stewards to suggest anything else. Indeed by what has been stated by Mr Hampson to the Stewards as Mr Martins has pointed out, the Stewards were entitled to conclude that earlier on the day in question the greyhound was not fit to race.

For all of those reasons I am satisfied that there is no merit to the appeal against conviction and is dismissed. Bearing in mind that this is a second offence I am satisfied that the penalty is appropriate in all of the circumstances and on that basis the appeal as to the penalty is also dismissed.

Dan Mossenson



DAN MOSSERSON, CHAIRPERSON