

**DETERMINATION AND REASONS FOR DETERMINATION OF
THE RACING PENALTIES APPEAL TRIBUNAL**

APPELLANT: STEVEN VAN-STYN
APPLICATION NO: A30/08/600
PANEL: MR D MOSSENSON (CHAIRPERSON)
DATE OF HEARING: 18 JULY 2003
DATE OF DETERMINATION: 18 JULY 2003

IN THE MATTER OF an appeal by Mr S Van-Styn against the determination made by the Stewards of the Western Australian Greyhound Racing Authority on 1 July 2003 imposing a 28 day suspension at Northam of the greyhound ZOO ROPER for breach of Rule AR80(1) of the Rules of Greyhound Racing.

The appellant represented himself.

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

This is an appeal by Mr S Van-Styn the owner/trainer of the greyhound ZOO ROPER.

The Stewards conducted an inquiry into the running of that greyhound on 1 July 2003 at Northam Greyhounds in relation to an incident which occurred in race 7 over 297 metres. Mr Searle, the Steward who gave evidence of the incident, specified at page 1 of the transcript his observation of what occurred as follows:

"Yes, I was stationed at the...on the first turn for that race, the 297 race, race 7 where I observed the number 3 greyhound, ZOO ROPER deliberately turn its head, veer out and make muzzle contact on the 8 greyhound, in my opinion it fought that greyhound and it fought that greyhound into the outside fence on that turn."

After hearing evidence from a number of witnesses on behalf of Mr Van-Styn the Stewards came to the conclusion to convict the greyhound for fighting in these terms:

We ended up with quite a bit of evidence for this inquiry which we have carefully sifted through and considered and...find as follows:-

That the evidence presented to us included the eye witness evidence of several witnesses brought by you. Most of these persons were viewing the race from some distances far greater than Mr Searle, the witnesses located in the public area are a long way from the first turn whilst Ms Foster was behind the boxes also some distance away. The evidence of the witnesses in the main lack specific detail in regard to the incident the (sic) evidence of Mr Searle was not only a specific (sic) it was based upon eye witness observations from a distance much closer than that of the witnesses from a position of vantage. We've also heard that the greyhound has a propensity to veer out and also recognise that there were collisions in front of the greyhound. The video replay which is of limited assistance does however do nothing to detract from Mr Searle's evidence. The video further would suggest to us that this was not a case of the greyhound simply veering out in the manner described by your witnesses. In light of these circumstances and after considering all the evidence the Stewards are satisfied that the greyhound did fight in the manner described by Mr Searle and accordingly have taken action under AR80(1) and suspended the greyhound for 28 days at Northam only and have placed the greyhound on one field satisfactory trial also in accordance with those rules."

Australian Rule of Greyhound Racing AR80 states:

"AR80. Fighting – failing to pursue

Where a greyhound, in the opinion of the stewards:

(1) fights with any other greyhound during an event; or

...

the stewards may, except in the case where the greyhound is found to have been injured pursuant to rule 82, impose a period of suspension in respect of the greyhound pursuant to rule 81 or 82 as the case may be."

"Fighting" is defined in Rule 3 as follows:

"'fighting' means the act of a greyhound which deliberately turns the head and makes head or muzzle contact with another greyhound."

The witnesses were:

Mr R Thomas	Owner
Mr D Barker	Owner/Trainer
Mr B Thompson	Unregistered Person
Ms A Foster	Attendant
Mr W Beamish	Owner/Trainer

I have had the benefit of hearing submissions from Mr Van-Styn, of looking at the video of the race, of hearing from Mr Martins and of looking at the plan of the track which was produced. The Rule in question has been the subject of determinations by this Tribunal on previous occasions. As Mr Martins pointed out in both the case of THOMPSON (Appeal 303) and ROWE (Appeal 412) the Tribunal made some pronouncements on the interpretation of the provision, and in particular, of the importance of the phrase 'in the opinion of the stewards' which is contained within that Rule. The same interpretation and same approach must be adopted in this particular case as it was in those earlier appeals.

Based on all of the information which is before me, including the transcript which I have carefully read, I am satisfied that it was open to the Stewards to form the opinion which they did of the incident in question. In all of the circumstances I am satisfied that it has not been demonstrated that the Stewards were in error in coming to the conclusion which they did in relation to the evidence that was before the inquiry.

For these reasons the appeal is dismissed.

Dan Mossenson

DAN MOSSENSON, CHAIRPERSON

