

RACING APPEALS TRIBUNAL

QUEENSLAND

NOTICE OF DECISION

APPEAL NO: RG002-08

DATE: 21 February 2008

APPELLANT: Mr William Thomas Sharpe

RESPONDENT: Greyhound Racing Authority

APPEAL FROM: Decision of the Stewards of Queensland Greyhound Racing Authority to impose by way of penalty a fine of \$1,000 of which \$750.00 was suspended for 12 months pending the Appellant being on good behaviour for a breach of Rule 125(1)(f)(i).

BREACH OF RULE: R125(1)(f)(i)

DECISION: Extension of period for lodging the notice of appeal refused.

APPEARANCES: Mr William Sharpe, Appellant appeared on his own behalf.

Mr Danny Ryan Chairman of Stewards with Mr Chas Clifford Deputy Chairman of Stewards appeared on behalf of the Respondent.

REASONS FOR TRIBUNAL'S DECISION

Mr Dennis Standfield - Member

On 1 February 2008 a Notice of Appeal was lodged with the Tribunal by the Appellant. The Appeal was stated to be both against the finding of the Stewards and penalty and related to a decision of the Stewards of Queensland Greyhound Racing Authority of 5 December 2007.

The Notice of Appeal stated the Appeal was against Rule 125(1)(f)(iv) and a penalty imposed of \$1,000.

The Grounds of Appeal as stated in the Notice of Appeal are:

"1 This penalty of \$1000-00 is totally excessive because it denies a licensee the right to express the English language as we have been taught it. And as we educate our children to use the same. Suddenly it has become "offensive to stewards" to speak normally in their company. 2. I was certainly denied natural justice by stewards making "fun" of my appearance at their enquiry. And the same stewards total disregard to my claims that a steward had acted improperly."

The Notice of Appeal was accompanied by a letter from the Appellant addressed to the Tribunal which stated:

*"William Thomas Sharpe
Dog Trainer Class 2. - No 37401
Of 233 Burnside road
ALBERTON 4208 QLD
30/1/08*

Racing Appeals Tribunal,

To Whom it May Concern,

The reason for my delay in forwarding my appeal to you is that I was incapacitated after the tenth day of December. Having been struck down with a serious illness that prevented me from attending to my dog racing commitments. I apologise for any inconvenience these circumstances may have caused, however I trust that this Appeal can progress in the normal manner.

*Yours Faithfully
W I Sharpe"*

A letter dated 4 February 2008 was forwarded by the Tribunal to Mr Sharpe advising that the Tribunal "... will list the Appeal but directs that at the hearing you satisfy the Tribunal that an extension of time should be granted before any other grounds of Appeal are considered".

On the day prior to the hearing Mr Sharpe approached the Tribunal Registry to issue subpoenas against three stewards but that request was denied pending

determination by the Tribunal to grant an extension of time for lodgement of the Notice of Appeal.

Section 168(3) of the *Racing Act 2002* ("the Act") requires that the Notice of Appeal must be lodged within 14 days of receiving notice of the decision being appealed and accordingly the Notice of Appeal should have been filed by 19 December 2007. The Tribunal does however have the power to extend the period for lodging the Notice of Appeal pursuant to Section 164(4) of the Act.

At the Hearing the Tribunal advised Mr Sharpe that there were matters which he needed to address for the Tribunal to be able to extend the time pursuant to Section 168(4). These matters were:

- (1) satisfactory explanation for the delay;
- (2) whether there was any prejudice to the Stewards because of the delay;
- (3) the merits of his Appeal; and
- (4) whether extending the period would be fair to both him and the Stewards.

Mr Ryan advised that the Stewards did not oppose nor did they support the Application for extension of time and qualified those advices further by requesting the Appellant explain his statement that he had a serious illness up to 30 January 2008. The basis of the Stewards concern was that on various days during the later part of December 2007 and January 2008 that greyhounds trained by Mr Sharpe had competed in races and they queried how that had occurred if Mr Sharpe was suffering a serious injury. Mr Sharpe advised that there were greyhounds trained by

him and his partner and his partner assisted with respect to the greyhounds that competed during the time stated by the Stewards. Mr Sharpe further explained the seriousness of his back injury and how he was stricken by pain. The Tribunal accepts his statements that he was affected by illness which contributed to him being unable to lodge his Notice of Appeal until 1 February 2008 and that satisfactorily explains the delay to that time.

As the Stewards do not oppose the Application the Tribunal also finds that there was no prejudice to the Stewards.

The third matter to consider is the merits of the Appeal and this is of concern to the Tribunal. Rule 125(1)(f)(i) is a misconduct rule that relates to improper language in relation to a Steward. The basis of that charge was from a complaint lodged by Steward Gail Thorsby who was the Chief Steward in charge of the Brisbane Greyhound Racing Club Meeting of 23 November 2007. The complaint involved an issue involving the muzzle on Mr Sharpe's greyhound Special Style and an incident behind the boxes prior to the running of the race in which Special Style was engaged. This incident involved Mr Stephen Thorsby who was the Official Starter for the meeting. Mr Thorsby is the husband of Steward Gail Thorsby.

What appears to have occurred is Steward Gail Thorsby issued an instruction to Mr Sharpe to change the muzzle as the type of muzzle being used was not an approved muzzle. Mr Sharpe was aggrieved by this decision as the muzzle had been used on the greyhound on approximately 40 previous occasions and he believed that there was some sort of vendetta against him because he was previously questioned about the muzzle at the Capalaba meeting. It does appear however that at the Capalaba meeting that he believed he received some type of approval to use the muzzle. At the starting boxes on the day Mr Stephen Thorsby had two muzzles available but Mr

Sharpe did not believe that the muzzles were the correct size and made some comment to Mr Thorsby about Steward Thorsby which Mr Thorsby took objection to.

Mr Thorsby says that the Appellant used the words "fucking bitch" while Mr Sharpe denied he used those words but accepted that he may have said "damn stupid" or similar words. It is uncertain what words were actually said as the Stewards made no finding in that regard at the Inquiry held on 5 December 2007.

Mr Sharpe was initially charged at the Inquiry with breaches of Rule 125(1)(f) involving Mr Stephen Thorsby and a separate charge involving Steward Gail Thorsby. Mr Sharpe pleaded not guilty to the charge against Mr Stephen Thorsby and the Stewards agreed with that plea and that matter did not proceed further.

In relation to the charge against Steward Gail Thorsby Mr Sharpe was asked to plead to that charge and his response (page 43 from line 22 of the Stewards Inquiry Transcript) is:

"MR SHARP: I plead guilty to that charge. That is if "damn stupid" is offensive."

While the Stewards did not make a finding as to what was actually said by Mr Sharpe the Stewards did proceed with assessing and imposing penalty and stated (page 44 from line 36 of the Stewards Inquiry Transcript):

"THE CHAIRMAN:

The Stewards then further charged you under the same Rule with Section (1) involving a steward, and in this case it was Chief Steward Gail Thorsby, to which you pleaded guilty.

So the Stewards have considered what penalty we may bring against you in relation to that matter and considered quite a number of options, but we have also considered that throughout the inquiry there were

mitigating circumstances involving various issues we have taken seriously into consideration.

That has brought us to the point we are not going to suspend or disqualify your licence in any way, but at the same time having pleaded guilty – and the stewards agree with your guilty plea - that we are going to impose upon you a fine of \$1000. We are going to suspend \$750 of that fine for 12 months for you to be of good behaviour, and impose the remaining \$250 as a fine.

So do you understand what we have done there, Mr Sharp?

MR SHARP: Yes. I have to pay \$250.

THE CHAIRMAN: Yes, pay \$250, but you have got a suspended \$750 for 12 months

At the Hearing the Tribunal asked Mr Sharpe about his plea of guilty and he stated he was just concerned with the Inquiry and wanted to bring it to an end as he thought that an injustice was done to him because he had only said the words “damn stupid” or something similar.

The Tribunal cannot find that anything improper was done by the Stewards in accepting the plea of guilty and as the Stewards made no finding on what was said it can only be taken that they accepted there was uncertainty about what was said and dealt with the matter on that basis. Certainly the penalty imposed seems to indicate that was the Stewards position.

As Mr Sharpe did enter a plea of guilty and the penalty imposed can only be considered reasonable the Tribunal cannot find any merit in the appeal. Indeed in relation to the issue of “fairness to both parties” it would be unreasonable to have the Stewards deal further with the matter when they dealt with the matter on the basis of a guilty plea.

The request by the Appellant to extend the period for lodging the Notice of Appeal is refused.

Mr Dennis Standfield
Member

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