

## **RACING APPEALS TRIBUNAL**

### **QUEENSLAND**

#### **NOTICE OF DECISION**

**APPEAL NO:** RH002-07

**DATE:** 31 May 2007

**APPELLANT:** Mr Raymond John Henry Law

**RESPONDENT:** Queensland Harness Racing Board

**APPEAL FROM:** Decision of the Stewards of the Queensland Harness Racing Board to disqualify the Appellant for a period of 3 months.

**BREACH OF RULE:** Rule 243

**DECISION:** Appeal against finding dismissed - appeal against penalty upheld with the penalty varied to 3 months suspension from 12 May 2007 with suspension period from 31 May 2007 to be wholly suspended pending no further breaches by the Appellant of Rule 243 to 12 August 2007

**APPEARANCES:** Mr Bob Watson with the approval of the Tribunal appeared on behalf of the Appellant.

Mr Michael Castillo, Chief Steward appeared on behalf of the Respondent.

#### **REASONS FOR TRIBUNAL'S DECISION**

Mr Brock Miller - Deputy Chairman

Mr Dennis Standfield - Member

The Appellant is known as Mr Ray Law (Jnr) and is a licensed trainer/driver. Following the running of Race 8 at the Metropolitan Rocklea Harness Racing Club on Saturday 28 April 2007, the Appellant was involved in a physical altercation with his brother Mr Kyle Law (a registered owner) and both charged

with a breach of Rule 243 under the Rules of Australian Harness Racing which states:

“Rule 243

A person employed, engaged or participating in the Harness Racing industry shall not behave in a way which is detrimental to the industry.”

The particulars of the charge to both of the Law brothers presented by the Stewards at the Inquiry (page 35 from line 27) were:

“The Queensland Harness Racing Board stewards believe that the manner in which you conducted yourselves by involving yourselves in a fist fight following the running of race 8, the Keith Brooks and Scott Neaves Handicap, in full view of the on course patrons in sitting in the stands and surrounding areas, and in front of stewards and other officials.

Gentlemen, there is probably nothing more that will bring down the image of racing other than 2 men arguing, in particular fighting, in full view of people on the racecourse. It is paramount that we continue to improve the integrity and the image of harness racing, and this incident did nothing good for our cause.”

Mr Kyle Law entered a plea of guilty when being charged by the Steward while

Mr Ray Law (Jnr) entered a plea of not guilty stating (page 36 from line 4):

“MR R. LAW: I plead not guilty, sir. I didn't want it to happen as you know. I was just acting in self defence. I don't think I am guilty of causing any hassle. I was trying to do my best to stop everything (Inaudible).”

The Stewards found both brothers guilty under Rule 243 and the Stewards Report of the Inquiry stated their reasons in the following terms:

“After considering all the evidence submitted by licensed trainer/drivers Mr Ray Law (Jnr) and registered owner Mr Kyle Law and further submissions from witnesses Ms Kelli Dawson and Ms Madonna Harriott, and stewards acting on their own observations, the following action was taken.

- Mr Ray Law (Jnr) was found guilty of a charge under the provisions of Rule 243, in that he involved himself in an altercation, this behaviour being detrimental to the industry. Mr R Law (Jnr) was disqualified for a period of 3 months. When considering penalty took into account matters leading up to and during the altercation and his previous good record in relation to this type of offence.
- Mr Kyle Law pleaded guilty to a charge under the provisions of Rule 243 in that he initiated and involved himself in an altercation, this behaviour being detrimental to the industry. Mr K Law was disqualified for a period of 6 months. When considering penalty took into account his actions leading up to and during the event.”

It was from that decision that Mr Ray Law (Jnr) appeals to the Tribunal. There has been no appeal lodged by Mr Kyle Law.

The basis of Mr Ray Law (Jnr)’s appeal against conviction is self defence. This was stated by him at the Inquiry, in the grounds of the Notice of Appeal filed and in the submissions by Mr Bob Watson on his behalf.

While the “fist fight” referred to by the Stewards is the basis of the charge under Rule 243 the incident seemed to have its origins when the Appellant was approached by a Mr Bob Stevens and a verbal altercation ensued. The cause of Mr Stevens approaching the Appellant appears to be from a statement made by the Appellant’s girlfriend Kelly Dawson that she would not drive Mr Stevens’ horses and the Appellant referring to the horses as “poofers”. That altercation ended when Mr Kyle Law took Mr Stevens away.

While the incident should have ended when Mr Kyle Law took Mr Stevens away, unfortunately it didn't and Mr Kyle Law returned and attacked his brother in front of the grandstand. It appears that this "attack" by Kyle Law was because there was some questioning of the Appellant's "loyalties".

It is noted from the transcript of the Inquiry however that Mr Kyle Law threw a stubby of beer to the ground before "attacking" his brother and due to the evidence of the amount of alcohol consumed by Mr Kyle Law it is clear that he was affected by alcohol.

The incident was observed by Mr Geoff Small who is a Greyhound Racing Authority Steward and not known to the Appellant. Mr Small's view was certainly in favour of the Appellant and in a statement which he gave to the Inquiry described the incident as a "pre mediated attack" and that at no time did the Appellant "... *initiate any aggressive behaviour even though eventually he tried to defend a young female to himself*".

Notwithstanding this statement from an independent person, the Stewards did proceed to convict the Appellant. This is no doubt because Mr Castillo was less than 2 metres away from the incident and (after jumping over the intervening fence) was involved in breaking up the fight. Indeed at the commencement of the Inquiry Mr Castillo stated (page 2 from line 43):

"...Myself and another gentleman tried to break you up. This fighting went on for some time in full view of all the racing public. It wasn't in the best image of the game ...".

Mr Bob Watson stated that there was nothing that the Appellant could do following the attack by his brother and his actions were purely self defence. While this was also what was stated in the statement by Mr Geoff Small, the Tribunal notes the evidence at the Inquiry between the Appellant, Steward Mr Wilson and also Deputy Steward Castillo (who was the Chairman of the Stewards Inquiry) and the Appellant at page 36 from line 23 of the Inquiry transcript stating:

MR WILSON: I think it is important you are probably aware of the reason why you were charged, and a couple of things we had to consider was the – what led up to the actual physical attack. Obviously there was a verbal confrontation between yourselves, which was also in the public eye, which you both have put in as your evidence, and the other thing we have to consider also is we understand you reacted to your attack and we have sort of taken that on board, but we also have to consider that once the situation was in control, that threat of you being put in hospital was gone, but you wanted to continue on as did your brother, Mr Kyle Law.

You were both heated at the time, you both wanted to keep going. There was a struggle to keep you apart. We also had to take that into consideration as well. That also is detrimental to the industry.

MR R LAW: Just with that, sir, I didn't think he'd carry on to keep fighting. I didn't even know where my brother was after the incident. I just wanted to be let go, because if someone is squeezing you so tight, it is just – you feel restricted, and I just wanted to be let go so I could walk, and that's what I wanted.

THE CHAIRMAN: As Mr Wilson alluded to though, being detrimental to the industry - and I can just go a little bit further on that, as we - it came in in earlier evidence when you first came in here. You could see by you ripping your shirt off – taking your shirt off, wanting to continue to fight isn't a good image, is it?

MR R LAW: I don't even continue to fight, sir on my part.

THE CHAIRMAN: But you can see - what I'm saying is you took your shirt off, and that gives another party or people around - that you did want to continue to fight.”

Mr Castillo could not have been any closer to the incident and it is clear that he is of the opinion that the Appellant did want to continue to fight. No doubt this was because of the heat of the moment and being attacked by his brother but it was at this stage the Tribunal finds that his actions were a breach of Rule 243.

As there was the continuation of the fight as referred to by Mr Castillo the Tribunal is not prepared to interfere with the finding of the Stewards that Mr Law was in breach of Rule 243 and the appeal against conviction is dismissed.

With respect to penalty it is difficult for the Tribunal to not feel sympathy for the predicament in which the Appellant found himself by being attacked by his brother.

It is clear from the references submitted to the Tribunal and in particular the support provided by Mr Geoff Dawson and his family the Appellant has good future prospects in the industry.

In the circumstances it is considered that a more appropriate penalty is a suspension with part of the suspension to be suspended pending no further breaches of the Rule by the Appellant.

The decision of the Tribunal is:

1. Appeal against finding dismissed.

2. Appeal against penalty upheld and penalty varied to 3 months suspension of the Appellant's licence from 12 May 2007 with the suspension period from 21 May 2007 to be wholly suspended pending no further breaches of the Appellant of Rule 243 to 12 August 2007.
  
3. The Appeal deposit fee is forfeited.

Mr Brock Miller .....  
Deputy Chairman

Mr Dennis Standfield .....  
Member