

RACING APPEALS TRIBUNAL

QUEENSLAND

NOTICE OF DECISION

APPEAL NO: RT010-07

DATE: 22 May 2007

APPELLANT: Mr Steele Patrick Ryan

RESPONDENT: Queensland Racing

APPEAL FROM: Decision of the Stewards of Queensland Racing to disqualify the Appellant for a period of 6 months - appeal against penalty only.

BREACH OF RULE: AR175(q)

DECISION: Appeal upheld - penalty varied to 3 month's disqualification from 24 April 2007.

APPEARANCES: Mr AJ Glynn SC instructed by Butler McDermott Lawyers for the Appellant.

Mr NE Torpey, Steward appeared on behalf of the Respondent.

REASONS FOR TRIBUNAL'S DECISION

Mr Leo Williams AO - Chairman

Mr Brock Miller - Deputy Chairman

Mr Dennis Standfield - Member

The Appellant Steele Patrick Ryan is a Licensed Trainer who following the conclusion of a Stewards Inquiry on 24 April 2007 was found guilty of a breach of AR175(q) with the penalty imposed by the Stewards being six months disqualification.

AR Rule 175(q) reads:

“The Committee of any Club or the Stewards may punish:

- (q) any person who in their opinion is guilty of any misconduct, improper conduct or unseemly behaviour,”

The particulars of the charge as stated at the Stewards Inquiry (page 20 line 27) are:

“The specifics of the charge are that at the Gold Coast Turf Club meeting on Saturday, April 21 2007, you did display improper conduct by striking stablehand Chris Wearne during an incident in the race day stable area.”

At the commencement of the hearing Mr Glynn advised the Tribunal that the Appeal was proceeding on penalty only.

On 3 May 2007 the Tribunal heard the related Appeal by Mr Christopher Wearne. Initially this Appeal was also set down for hearing on 3 May 2007 but at the request of the Appellant’s Solicitor that date was vacated.

At the time of the hearing, while the decision on the Wearne Appeal had been given by the Tribunal, the Reasons for the Decision had not been published.

As to the circumstances of the incident leading to the charges being laid against the Appellant, the Tribunal refers to the matters numbered 1 to 8 in the Reasons for Decision in the Wearne Appeal.

Mr Glynn in his submissions submitted that the matters leading to the charge against Mr Ryan was in fact two separate incidents. The first incident being at the stall rail and the second incident being when Mr Wearne returned and challenged Mr Ryan. Mr Glynn said the second incident was a more serious incident and that Mr Ryan only responded to severe provocation because Mr Wearne “came at him”.

While there were statements by Mr Wearne at the Steward's Inquiry that he challenged Mr Ryan, the Tribunal sees no fault in the Stewards forming the opinion that Mr Ryan was the aggressor by him initially striking out at Mr Wearne. It is noted that Mr Ryan is much larger in physical stature than Mr Wearne. It is clear that if Mr Ryan had not first struck out at Mr Wearne that the incident would not have escalated. Indeed on the day of the incident when the Stewards Inquiry first commenced with witnesses giving evidence Mr Ryan seemed to understand his predicament when he stated to the Stewards (page 6 line 35):

“MR RYAN: I don't think you're in trouble here, son. Right? I don't think you're in trouble. I think I'm the one - the licensee who is going to get into more trouble. But - and it's still no excuse for me hitting you even if you did pull me on, and I will cop whatever these boys want to give me.”

After the Stewards finding that Mr Ryan was guilty the Stewards requested submissions to enable consideration of the penalty to be imposed. The circumstances of what Mr Ryan stated to the Stewards can be summarised as:

1. He employs four staff one of whose spouse is soon to have a baby;
2. The staff reside on residences at or near the stable;
3. He has nine yearlings with an investment of \$400,000 to \$500,000 in the yearlings;
4. A number of persons have invested in his involvement with horses;
5. In his outside business he has employed a general manager and would have to dismiss him as Mr Ryan would have to return to the business;

6. He has 30 horses in his stable and tries to keep 12 in work;
7. He has been a licensed trainer for approximately 2 years and involved in the industry for approximately 6 years prior to that;
8. He has no similar breaches either with the Stewards or anyone else.

As the Tribunal stated in the Wearne decision penalties imposed for breaches of AR175(q) vary considerably and the particular circumstances of each matter have to be considered before considering what is an appropriate penalty.

Mr Ryan has had success in training and it is unfortunate that this incident will be a blemish on his career. While there are privileges in being a Licensed Trainer there are also obligations and one of the most fundamental obligations relates to how a Trainer must conduct himself. By any standards the Appellant failed that obligation in the manner in which he conducted himself by first striking out at Mr Wearne. The incident occurred in a public area during a race meeting and is clearly harmful to the image of the industry.

Mr Glynn has suggested that the appropriate penalty would be a month suspension. This is not accepted by the Tribunal. The gravity of the Appellant's conduct warrants a disqualification period. Hopefully this will reinforce upon the Appellant his obligations as to conduct which is required of a Licensed Trainer and also highlight to the industry that similar conduct will not be tolerated. However the Tribunal is of the view that a six months disqualification period is

too severe and that a more appropriate penalty would have been a period of three months disqualification.

The Appeal against penalty is therefore allowed and penalty is varied to three months disqualification from 24 April 2007.

The Appeal Deposit Fee is forfeited.

Mr Leo Williams
Chairman

Mr Brock Miller
Deputy Chairman

Mr Dennis Standfield
Member