



## **APPEAL OF DAMIEN OXLADE – AR 175(j)**

**Appeal Committee: Mr John Stewart (Chairman) and Mr Brett Dixon**

**Date of hearing: 2 May 2010**

These reasons are by way of explanation of the decision announced to the parties on 2 May 2010.

On 24 April 2010 Chairman of Stewards Mr Westover was going about his duties at a race meeting at Alice Springs when he was abused by Mr Damien Oxlade, a licensed stable hand.

On 28 April 2010 Stewards inquired into the matter, found Mr Oxlade guilty of improper conduct under AR 175(j) and fined him \$500.

An appeal lies to this organization as the Principal Racing Authority. On appeal Mr Oxlade did not dispute the finding of guilt. He appealed against the severity of the penalty.

AR 175(j) provides for a penalty against:

“Any person guilty of improper or insulting behaviour at any time towards the Committee of any Club or Association or any member thereof, or Stewards, or any official, in relation to their or his duties.”

Mr Oxlade was represented at the hearing of the appeal by his father, trainer Mr Darryl Oxlade. Mr Darryl Oxlade did not seek to excuse his son's behaviour. Rather he submitted that Mr Westover had behaved provocatively. In those circumstances and given that his son was a first offender, the penalty was considered to be excessive. He conceded that a monetary penalty was warranted.

We gave Mr Darryl Oxlade's submissions every consideration. He appeared to us to be doing his best to look after his son. However the appeal case was irretrievably damaged by his son's performance at the Stewards' inquiry when he repeatedly used abusive language similar to the language attributed to him on 24 April.

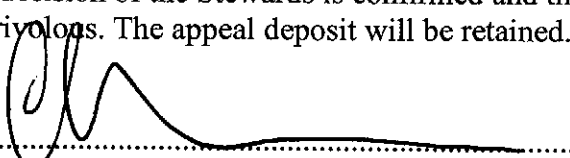
We resolved the conflicting versions of events in favour of Mr Westover. There was no provocation. In any case there was no excuse for Mr Damien Oxlade to make Mr Westover the object of abuse in vulgar terms. Once would be bad enough but he did so on at least three occasions that race day.

AR 175(j) is designed to support the integrity of racing. Stewards should be treated properly when going about their duties. Any complaints about the conduct of a Steward should be pursued reasonably and respectfully.

We regarded this as a serious breach of AR 175(j). Stewards submitted that the correct monetary penalty should be somewhat higher than the penalty range of \$50 - \$150 which typically applies to breaches such as those committed by trainers in relation to the gear used by horses on race day.

The penalty imposed by the Stewards seemed to us to be appropriate. The persistent abuse levelled at Mr Westover deserved more than a reprimand even for a first offender. Even if we were inclined to entertain any doubt about that course, Mr Damien Oxlade's performance at the Stewards' inquiry dispelled any claim for more lenient consideration.

The decision of the Stewards is confirmed and the appeal is dismissed. The appeal is bordering on frivolous. The appeal deposit will be retained.



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John Stewart  
Chairman  
10 May 2010