



APPEAL DECISION

FRANK STOCKDALE and RACING VICTORIA STEWARDS

Date of Hearing: 28 March 2017

Heard By: Judge Bowman (Chair).

Appearances: Mr Brett Wright appeared on behalf of the stewards.
Mr Andrew Nicholl appeared on behalf of Mr Stockdale.

At an adjourned stewards' inquiry at Cranbourne on 20 March 2017, licensed trainer Frank Stockdale pleaded guilty to one charge under the provisions of AR 175(q) and one charge under the provisions of AR 175(p).

Mr Stockdale was fined \$2,000 in relation to the breach of AR 175(q) and \$500 in relation to the breach of AR 175(p).

A Notice of Appeal against **the severity of the penalty** in relation to the charge under AR 175(q) was lodged on Wednesday, 22 March 2017.

AR 175(q) provides that:

The Principal Racing Authority or the Stewards exercising powers delegated to them may penalise - any person who in their opinion is guilty of any misconduct, improper conduct or unseemly behaviour.

The particulars of the charge are that Mr Stockdale used abusive language towards two security staff at the Stony Creek Racing Club meeting on 12 March 2017, constituting misconduct and/or improper conduct.

DECISION: Appeal allowed.

Penalty varied so that \$500 of the \$2,000 fine is suspended for a period of 2 years provided that Mr Stockdale does not commit a further breach of AR 175(q) during that period.

The balance of \$1,500 for the breach of AR 175(q) and the fine of \$500 imposed for the breach of AR 175(p)¹ - a total of \$2,000 - is due and payable 6 months from today's date.

**Georgie Gavin
Registrar - Racing Appeals & Disciplinary Board**

¹Noting that the breach of AR 175(p) was not subject to an appeal.

**TRANSCRIPT OF
PROCEEDINGS**

RACING APPEALS AND DISCIPLINARY BOARD

HIS HONOUR JUDGE J. BOWMAN, Chairman

EXTRACT OF PROCEEDINGS

DECISION

FRANKIE STOCKDALE

and

RACING VICTORIA STEWARDS

RACING VICTORIA CENTRE, FLEMINGTON

TUESDAY, 28 MARCH 2017

MR A. NICHOLL appeared on behalf of Mr F. Stockdale

MR B. WRIGHT appeared on behalf of the RVL Stewards

CHAIRMAN: Mr Frank Stockdale, you have pleaded guilty to a breach of AR 175(q) and AR 175(p). You are not pursuing your appeal in relation to AR 175(p) so that the fine of \$500 which was imposed on you on the day for offending remains.

You were penalised \$2000 for the breach of AR 175(q) and you are appealing against that penalty. The offence involves your conduct at Stony Creek racecourse on 12 March 2017 which was Stony Creek Cup day.

After the running of the Cup, your wife attempted to take your small daughter through the mounting yard area. There are clear signs prohibiting the admission of children for very good safety reasons. Your wife got into a dispute with a race-day official about her attempts to take the child through the prohibited area. You ultimately arrived and you launched into what was obviously a loud tirade against the official and two security guards. You used foul language and threatened violence. This went on for some 45 seconds and obviously attracted considerable attention.

Whilst Mr Nicholl, speaking on your behalf, referred to your remorse, there is little indication of it in the transcript of the interviews with you. These were at a later date and not in the heat of the moment. There is very little indication of remorse in those transcript interviews. I accept that you have a very good record and may have been very tired. However, I regard your conduct in a public place on a big day as being reprehensible and irresponsible.

I have been referred to several previous cases on the question of penalty for breaches of AR 175(q) and parity. A matter which I heard on 6 October 2016, the matter of Wayne Curie, is not on the list of cases put before me. That was also a breach of AR 175(q) and involved very bad language used to two female registered owners. The fines imposed in that case totalled \$4000. It was on social media, not on the spur of the moment. Then again, Mr Curie showed genuine remorse. I am also bearing that case in mind on the question of penalty.

The end result is that I am not prepared to vary the amount of the financial penalty but am prepared to suspend part of the penalty, namely \$500, for a period of two years from this date. If you breach the rule again, you will be dealt with not only for the offence which caused the breach but for the \$500 suspended penalty. So the end result is that there is a total penalty of \$2000 for the two breaches and \$500 is suspended for two years. Hopefully that will be a reminder to you to keep in mind for that period. There will be a stay of six months in relation to payment of \$2000. There is \$500 hanging overhead if the rule is breached again.
