Ang Ah Lah Richard alias Richard Ang Ah Lah v Singapore Turf Club [2001] SGHC 71

Case Number	: Suit 708/2000/K
Decision Date	: 10 April 2001
Tribunal/Court	: High Court
Coram	: Tan Lee Meng J
Counsel Name(s)	: Andre Arul (Arul Chew & Partners) for the plaintiff; Philip Fong and Zee Yeng Yun (Harry Elias Partnership) for the defendants
Parties	: Ang Ah Lah Richard alias Richard Ang Ah Lah — Singapore Turf Club

JUDGMENT:

Cur Adv Vult

1. The plaintiff, Mr Richard Ang Ah Lah, who was disqualified by the defendants, the Singapore Turf Club (hereinafter referred to as "STC"), sought a declaration that the decision of STCs inquiry panel to disqualify him is null and void. He also claimed damages for the loss and damage suffered by him in respect of STCs decision and other consequential relief.

A. BACKGROUND

2. Mr Ang, a professional horse trainer, was licensed as an "A Grade Trainer" by the Malaysian Racing Association (MRA), an unincorporated sports association which regulates horse racing in Singapore and West Malaysia through four associated clubs, the Singapore Turf Club, the Penang Turf Club, the Perak Turf Club and the Selangor Turf Club. All licensed horse trainers are subject to MRAs Rules of Racing and Regulations. MRA delegated to STC its powers and authority to punish errant trainers in accordance with the said Rules of Racing and Regulations.

3. Racehorses are routinely tested before and after a race to determine the presence of prohibited substances. A blood sample is taken before a race and a urine sample after the race. The tests for prohibited substances are conducted at the MRA laboratory located at the premises of the Singapore Turf Club. The MRA laboratory is an entity separate from and independent of STC.

4. Mr Angs woes began on 19 August 2000 when Mr David Fisher, STCs Chief Stipendiary Steward, was informed that urine samples from two horses which had raced in Singapore a week ago, namely "*Star Dragon*" and *"Sky Warrior",* had tested positive for Eltenac, a prohibited substance. These two horses were trained by Mr Ang. Mr Fisher immediately informed Mr Ang of the finding and drew his attention to the relevant rules of the MRA. He also told Mr Ang that an inquiry would be conducted on a date to be fixed.

5. Later that evening, shortly before the start of the first race, Mr Fisher was informed that another horse trained by Mr Ang, namely "*Crystal Chilavert*" had failed the pre-race blood test. This horse was withdrawn from the race. Shortly before the start of the fifth race, Mr Fisher was informed that *"Prinz Oskar",* another horse trained by Mr Ang, also failed the pre-race blood test and had to be withdrawn from the race. Mr Fisher told Mr Ang that an investigation was pending with respect to this matter. For convenience, in the rest of this judgment, "*Star Dragon*", "*Sky Warrior", "Crystal Chilavert"* and *"Prinz Oskar"* will be referred to as "the four horses".

6. On the same evening, security officers, acting under instructions, searched Mr Angs office. After that, they searched his car. During the search, they found a sling bag, which contained a brown clutch bag, in which were found syringes, needles and medication. The medication included prohibited substances. The security officers made a list of the items. The items were stated in the list as two 100ml bottles of Xtrizine, one 100ml bottle of Adenolin, one 100ml bottle of Tridenosen, one 20ml bottle of

Rakelin, two 20ml bottles of Telzenol, four pieces of 10ml syringes, one piece of 30ml syringe and 14 needles.

7. The term "Telzenol" recorded in the said list was a mistake. In fact, the correct name of the medication is "Telzenac", which contains Eltenac, which, as has been mentioned earlier on, is a prohibited substance. Mr Ang perused the list and signed it. According to STC, Mr Ang should not have been in possession of the syringes, needles and the bottles of Telzenac and Rakelin, which is also a prohibited medication.

8. On 22 August 2000, Mr Fisher informed Mr Ang by telephone that he was required to attend an inquiry hearing the next day. Mr Ang was also told that the inquiry would relate to the prohibited items seized from him on 19 August 2000. On the same day, Mr Ang wrote a letter to Mr Fisher asking for leniency. In it, he stated as follows:

> This is a personal letter and I am ashame[d] of myself for letting you down despite of your leniency towards me in the past. I am totally wrong for my misjudgment and action which place me in this situation which I have no defence whatsoever and I am guilty in every sense.
>
> My only hope now is that you can help me as far as you can, not to take away my Trainers Licence in the final outcome of my cases involving the four horses.
>
> I have never beg anyone in my life for help but this is one time I am begging you for help and I sincerely hope that you can do so.

9. Later that evening, Mr Ang collected a letter from the STC office. It required him to "attend an inquiry relating to prohibited items seized from you at SNTC on Sat 19 August 2000". The same letter advised Mr Ang that under Rule 5B of the MRA Rules of Racing, he was not entitled to legal representation.

10. The inquiry was chaired by Mr David Fisher, the Chief Stipendiary Steward of STC, and the inquiry panel included three other Stipendiary Stewards, Mr Scott Matthews, Mr Peter Chadwick and Mr Rajendran s/o Pavadai. At the inquiry, Mr Ang was charged with breaching Rule 203(d) of the MRA Rules of Racing by having in his possession several syringes, needles and prohibited medication. Four separate charges were also preferred against him for breaching Rule 200(5) of the MRA Rules of Racing by administering Telzenac to each of the four horses.

11. Mr Ang pleaded guilty to all five charges. He was disqualified for a period of two years with respect to each charge and as the disqualification periods were to run consecutively, he was disqualified for a total of ten years. Under Rule 1 of the MRA Rules of Racing, a disqualified person "shall not be qualified to subscribe or enter or run or train or ride any horse either in his own name or in the name of any other person for any race under these rules".

12. After Mr Ang was disqualified, he appealed against the decision of the panel of Stipendiary Stewards. His appeal was heard by STCs Racing Stewards. After hearing the appeal, the Racing Stewards decided as follows:

> (a) The sentence of a disqualification for two years on the first charge was upheld.
>
> (b) The sentence of a disqualification of two years for each of the remaining four charges was also upheld but with the following modifications:
>
> > (i) The period of disqualification for the second charge was to run concurrently with the period of disqualification for the third charge.

> (ii) The period of disqualification for the fourth charge was also to run concurrently with the period of disqualification for the fifth charge and consecutive to the disqualification period with respect to the second and third charges.

13. In view of the aforesaid, Mr Angs total period of disqualification was reduced from ten to six years.

14. After his appeal to the Racing Stewards had been heard, Mr Ang instituted this action. In essence, Mr Ang complained that the rules of natural justice were not adhered to by STC as he was given insufficient notice of the hearing of the inquiry and was not given an opportunity to defend himself.

B. PRINCIPLES OF NATURAL JUSTICE

15. At the outset, it ought to be reiterated that domestic tribunals such as STCs inquiry panel are required to observe the cardinal principles of natural justice. The most important of these are that the accused should be given reasonable notice of the charge to be brought against him and that he should be given an opportunity to defend himself. However, when considering the application of the principles of natural justice in the context of domestic tribunals, the following words of Pilcher J in *Davies v Carew-Pole and Ors* [1956] 1 WLR 833, 840 ought to be borne in mind:

> Domestic tribunals of this kind are entitled to act in a way which would not be permissible on the part of local justices sitting as a court of law. The requirement of natural justice must depend on the circumstances of the case, the nature of the inquiry, the rules under which the tribunal is acting, the subject matter that is being dealt with, and so forth.

16. In similar vein, in *Russell v Duke of Norfolk & Ors* [1949] 1 All ER 109, 118, Tucker LJ said as follows:

> There are, in my view, no words which are of universal application to every kind of inquiry and every kind of domestic tribunal. The requirements of natural justice must depend on the circumstances of the case, the nature of the inquiry, the rules under which the tribunal is acting, the subject-matter that is being dealt with, and so forth. Accordingly, I do not derive much assistance from the definitions of natural justice which have been from time to time used, but, whatever standard is adopted, one essential is that the person concerned should have a reasonable opportunity of presenting his case.

Tucker LJs view was endorsed by Lord Guest in *Wiseman v Borneman* [1971] AC 297, by Lord Morris of Borth-y-Gest in *Furnell v Whangarei High Schools Board* [1973] AC 660, and by Lord Slynn in *Rees v Crane* [1994] 1 All ER 833.

17. Admittedly, a layman would be somewhat disadvantaged without the assistance of a lawyer at an inquiry such as the one conducted by STCs Stipendiary Stewards on 23 August 2000 but this is an inevitable result of having domestic tribunals. In *Davies v Carew-Pole & Ors* [1956] 1 WLR 833, 839-840, Pilcher J put the matter in its proper perspective when he said as follows:

> A layman at an inquiry of this kind is, of course, at a grave disadvantage compared with the trained advocate, but that is a necessary result of these domestic tribunals which proceed in a somewhat informal manner. Counsel for the plaintiff, in the course of his forceful argument in this point, again and again said: "What would be said of local justices who acted in this way?" With all due

> respect, the position is totally different. This matter is not to be judged by the standards applicable to local justices.

18. The sensible approach adopted by Pilcher J in *Davies v Carew-Pole & Ors* and by Tucker LJ in *Russell v Duke of Norfolk & Ors* will be followed for the purpose of determining whether STCs inquiry panel observed the rules of natural justice in Mr Angs case.

1. WHETHER THERE WAS SUFFICIENT NOTICE OF THE INQUIRY

19. Mr Ang had three complaints about the notice of the inquiry which he received on 22 August 2000. First, he contended that he was not given adequate notice of the inquiry, which was scheduled for the very next day. Secondly, he said that he was given no notice of the charges faced by him at the inquiry. Thirdly, he asserted that the notice of the inquiry that was served on him was only in respect of the circumstances surrounding his possession of prohibited items. As such, he claimed that he was given no notice that the administering of prohibited medication to the four horses would also be discussed at the inquiry.

(a) Adequacy of notice of the inquiry

20. Mr Angs complaint that he was given one days notice of the inquiry would, without more, have merited serious consideration. However, the short notice must be viewed in the context of offences relating to horse racing and the nature of an inquiry conducted by STC.

21. The integrity of horse racing and public confidence in horse racing are utmost in the minds of turf clubs. An inquiry into complaints of doping, administering of prohibited substances to horses and possession of prohibited items must be conducted swiftly as race events are held on a very regular basis. Mr Fisher said that but for the fact that the prohibited items were seized from Mr Ang on a race day, when officials of the club were preoccupied with the races, an inquiry might have been held even earlier.

22. The precise nature of an inquiry conducted by turf clubs, such as STC, must be taken into account when considering whether an accused trainer has been given sufficient notice of the inquiry. STC carries out investigations into allegations of misconduct on the part of trainers primarily through an inquiry. Such an inquiry is merely the *beginning* of the formal stage of investigating an allegation that a trainer has done something wrong. At the initial stage of such an inquiry, all that is required of a trainer who has been summoned to appear before the inquiry panel is that he offer an explanation with respect to his alleged misconduct. When referring to an inquiry into the misconduct of a horse trainer in *Russell v Duke of Norfolk and Ors* [1949] 1 All ER 109, 117, Tucker LJ explained:

> In dealing with this matter, I think it is essential to appreciate the precise nature of the inquiry. The horse is said to have been doped. The stewards have evidence which satisfies them that there is a *prima facie* case of doping. They require the trainer to attend the inquiry and to give an explanation. If in the course of that explanation, it is made manifest that there has been negligence or misconduct, a specific charge then emerges.

23. Viewed in such a light and considering the urgency with which allegations of misconduct on the part of horse trainers must be investigated, the fact that an inquiry has been commenced at very short notice does not, by itself, mean that the rules of natural justice relating to notice have not been followed. Much depends on whether the accused trainer has indeed been prejudiced by the short notice of the inquiry.

24. The fact that an STC inquiry is merely the beginning of the formal investigation into an alleged wrong and that an accused horse trainer, such as Mr Ang, has ample opportunities to seek an adjournment of the inquiry if they feel that they have had insufficient notice of the inquiry to be able to present their case effectively must be borne in mind. To begin with, the notice which Mr Ang received on 22 August 2000 specifically provided that if he was unable to attend the inquiry due to exceptional circumstances, he was to inform the Stipendiary Stewards Department at the earliest opportunity. In such a case, a new date for the inquiry would be fixed if there are circumstances to warrant this.

25. Even after the commencement of the inquiry, Mr Angs right to call witnesses was not prejudiced by the speed with which the inquiry was commenced. He could have sought an adjournment of the inquiry for a variety of reasons, including the calling of witnesses who were unable to be present at the hearing on 23 August 2000. This was confirmed by Mr Fisher, who said as follows during cross-examination and in reply to a question posed by me:

> Q. How can you expect witnesses to be called at such short notice?
>
> A. If he wanted to call witnesses who were unavailable, we would adjourn the hearing to another date unless this was a delaying tactic. *I do not recall an occasion where we have refused such a request.*
>
> Ct. Can you confirm that you have adjourned inquiry hearings to another day because the accused wanted to call witnesses?
>
> A. *Yes, quite often.*
>
> (emphasis added)

26. Furthermore, if Mr Ang had not admitted his guilt, the inquiry hearing might have had to be adjourned to another date. Evidently, the STC panel of Stipendiary Stewards knew this when they commenced the inquiry on 23 August 2000. For instance, if Mr Ang, who knew that he had a right to insist that samples of his horses urine be sent to an independent laboratory in another country for testing, had insisted that this be done, the inquiry hearing would have had to be postponed until after the relevant test results had been obtained.

27. What is thus of utmost importance in this case is that Mr Ang was not prejudiced at all by the short notice of the inquiry. He cannot claim to have been surprised by the speed with which the inquiry of 23 August 2000 was arranged as he was fully aware of the speed with which STCs inquiries are arranged. In a previous inquiry into another breach committed by him, which was held only one month earlier in July 2000, he was also given only one days notice of the inquiry. He thus knew on 19 August 2000, the day he was caught with prohibited items and was informed that his horses had failed tests, that an inquiry would be held at any moment in relation to his possession of prohibited items and the finding that four of his horses had been injected with a prohibited substance.

28. In truth, Mr Ang, who was expecting an inquiry to be held at a moments notice, had given much thought to his case. He had consulted Dr Brian Stewart, STCs veterinary surgeon about his case and about the nature of Eltenac, the prohibited substance found in his horses. He had also laid the ground work for a mitigation plea by lobbying both Mr Fisher and Dr Steward to help him wherever possible. If he had wanted to, he would have called his witnesses to be ready for an inquiry at short notice. When cross-examined, he did not deny that he could have approached his witnesses between 19 August 2000 and 23 August 2000. He said as follows:

> Q. Between 19 and 23 August 2000, did you approach any one to be a witness?
>
> A. No.
>
> Q. You knew at the inquiry, you were entitled to call witnesses?

A. Yes .

Q. You told the inquiry panel that it was unnecessary to call witnesses.

A. Yes, at that time.

29. After careful thought, Mr Ang decided that the best strategy for him to adopt at the inquiry was to admit the offences and hope that he would be punished with only a fine. It is patently clear that he had no intention whatsoever of denying his guilt at the inquiry. He confirmed this when he said as follows during cross-examination:

> Q. Were you not given the opportunity to say you did not personally administer Telzenac to the horses?
>
> A. Is it not clear to you that I was just agreeing to every question. I was trying to take the rap. Finish everything, hope to get a fine. I hoped that when I admit to everything, I will get a fine. That was all I was hoping for.

30. In view of his decision to admit his guilt, he did not wish to call any witnesses. At p 65 of the notes of the inquiry, he said as follows:

> Chairman: Any witnesses you would like to call in?
>
> Trainer Ang: No need sir because theres no need to implicate anybody else because I am responsible Sir.

31. When cross-examined, Mr Ang confirmed that he did not intend to call any witness for the inquiry. His answers were as follows:

> Q. You wanted to get the inquiry over and done with and you did not intend to call witnesses at the inquiry.
>
> A. Thats about it.

32. Since Mr Ang had made up his mind to plead guilty in the hope that his forthright admission of guilt will persuade the inquiry panel to be more lenient to him, he cannot claim to have been prejudiced by the short notice of the inquiry. In view of this and the fact that he could, if he had wanted more time, have sought an adjournment of the inquiry in order to call witnesses, read reports or to await the results of tests demanded by him, his assertion that the inquiry proceedings should be set aside on the ground of inadequacy of notice of the inquiry is thus rejected.

(b) <u>No notice of charges</u>

33. Mr Angs next complaint was that before the inquiry hearing, he received no notice of the charges which he had to face at the inquiry. In regard to such a complaint in the context of horse racing, the following passage from Tucker LJs judgment in *Russell v Duke of Norfolk and Ors* [1949] 1 All ER 109, 117, part of which has been cited earlier on in this judgment, ought to be borne in mind:

> It does not seem to me that at the outset there is necessarily any particular charge made against the trainer. If in the course of [the trainers] explanation, it is made manifest that there has been negligence or misconduct, a specific

> charge then emerges, and that is exactly what happened in the present case. It was an inquiry in the course of which it emerged that there were matters for which the stewards held the trainer responsible.

34. In short, the adversarial system, under which the prosecution is deemed to have completed its investigation before proceeding to court, has no place in the inquiry conducted by STCs Stipendiary Stewards on 23 August 2000. In fact, in *Russell v Duke of Norfolk and Ors*, Tucker LJ rightly added at p 117 that it would be a mistake to regard the proceedings in a domestic tribunal as if they were prosecutions with a prosecutor and a defendant.

35. I endorse Tucker LJ words. In this case, in view of the Security Departments report and the fact that four of Mr Angs horses had been found to have been administered a prohibited medication, there was a prima facie case against him. If evidence is found in the course of the inquiry that Mr Ang had committed an offence, a specific charge would then emerge.

36. In any case, Mr Ang knew what he would be charged with. He knew that it is an offence to be found with prohibited medication. He also knew that it is an offence to administer a prohibited drug or medication to a horse. During the course of the trial, he repeated on several occasions that he was aware that under the MRA Rules of Racing, a horse trainer is deemed to be fully informed and aware of the consequence of any medication or substance administered to a horse under his charge. Surely, he must have been aware, before the inquiry, that it is an offence to administer the prohibited substance to the horse himself. In short, he was not prejudiced at all by the lack of specific charges because he had a very good idea of the charges which could be filed against him. In the circumstances, Mr Angs complaint that he received no notice of the charges is dismissed.

(c) Whether the second, third, fourth and fifth charges should have been the subject of another inquiry

37. Mr Ang next contended that only the first charge, relating to possession of prohibited items, was relevant to the inquiry and that the remaining four charges relating to the administering of Telzenac to the four horses should not have been dealt with by the inquiry panel on 23 August 2000. This is because the notice of the inquiry given to him on 22 August did not mention anything about the administering of Telzenac to the four horses. It merely stated as follows:

> You are officially informed that you are required to appear before the Stipendiary Stewards of the Singapore Turf Club on Wed 23 August 2000 at 1 pm to attend an inquiry relating to prohibited items seized from you at SNTC on Sat 19 August 2000.
>
> (emphasis added)

38. When questioned about the prohibited items seized from him on 19 August 2000, Mr Ang admitted not only that he had prohibited items in his possession but also that he personally administered Telzenac to the four horses. As such, although investigations into the presence of a prohibited substance in the four horses were still going on, the inquiry panel saw it fit in the face of Mr Angs unequivocal admission of guilt to press four additional charges against him for breaching MRA Rule 200(5), which provides as follows:

> 200. Any person who ..
>
> > (5) shall administer or cause to be administered to a horse which has been entered for a race any prohibited substance, internally or by hypodermic or other methods .
> >
> > may be disqualified, and such disqualification, if imposed, shall take effect as from the date of the offence or from

> such other date as the Committee of the Associated Club or Stewards may determine.

39. The second charge against Mr Ang concerned his administering of Telzenac to the horse, *"Star Dragon"*. It was in the following terms:

> Now the Stewards are charging you under [MRA Rule 200(5)] in that on your own admission, you, Trainer Ang, administered a prohibited substance, namely "Telzenac", to the horse, "*STAR DRAGON*", which was entered for and subsequently ran in Race 2 at the Singapore Turf Club Meeting on 12 August 2000 and a post-race urine sample taken from that horse confirmed the presence of Eltenac, a non steroidal anti-inflammatory and prohibited substance under the MRA Rules, thereby contravening MRA Rule 203(b).

40. The third, fourth and fifth charges concerned his administering of Telzenac to the other three horses, "*Sky Warrior", "Crystal Chilavert"* and *"Prinz Oskar"* respectively.

41. For the purpose of considering whether the second, third, fourth and fifth charges ought to have been pressed against Mr Ang at the inquiry on 23 August 2000, the following words of Pilcher J in *Davis v Carew-Pole & Ors* [1956] 1 WLR 833, 839, are worth noting:

> The mere fact that the accused person has not in a particular case been given formal notice of all the matters in which his conduct is to be called in question does not, in my view, necessarily entitle him to contend successfully that the proceedings of a tribunal consisting of fair-minded and honest laymen were not conducted in accordance with the principles of natural justice.

42. In *Davis v Carew-Pole & Ors*, the plaintiff, a stable keeper, was required to attend a meeting of the stewards of the National Hunt Committee to inquire into an allegation that he, as an unlicensed trainer, had trained a horse, named *Kings Henrys Road*, for a steeplechase in contravention of the National Hunt Rules. During the course of the inquiry, his alleged activities in connection with the training of two other horses, named *Prince Balbo* and *Belljinks,* were considered. There was no doubt that the plaintiff had not received any prior notification that his activities in connection with the training of *Prince Balbo* or *Belljinks* were also to be the subject of the inquiry. At the end of the inquiry, the stewards were satisfied that he should have been aware of the relevant regulations and declared him a disqualified person. Pilcher J said at p 840:

> It may well be in the present case that, although not formally notified of the alleged [offence regarding *Prince Balbo*] and the alleged offence in regard to [*Belljinks*], the plaintiff had a shrewd suspicion that those matters would be inquired into. In any event, as I say, *no fact was in dispute in relation to these other matters* and in the circumstances of the present case I am not prepared to hold, as a matter of law that the plaintiff is entitled to succeed in his contention that the inquiry was not held in accordance with the principles of natural justice, *because I do not think that the plaintiff was, on the facts of the case, prejudiced by the lack of notice.*
>
> (emphasis added)

43. In the above-mentioned case, Pilcher J laid great emphasis on the fact that in relation to the other matters raised at the inquiry, no facts were in dispute, and that the accused was not prejudiced by the discussion on the additional matters. The present case is similar to *Davis v Carew-Pole & Ors.* In the present case, the facts relating to the second, third, fourth and fifth charges, which concern the administering of Telzenac to the four horses, were also not in dispute because he admitted his guilt.

44. Furthermore, Mr Ang must have had, what Pilcher J termed, a "shrewd suspicion" that the matters relating to the administering of Telzenac to the four horses would also be raised at the inquiry on 23 August 2000. That was why after having been told that there would be an inquiry on the following day relating to prohibited items seized from him on 19 August 2000, Mr Ang wrote to Mr Fisher on 22 August 2000 as follows:

> My only hope is that you can help me as far as you can, not to take away my Trainers licence in the final outcome of my cases *involving the four horses.*
>
> (emphasis added)

45. In any case, in an inquiry with respect to the prohibited items seized from Mr Ang, a relevant question must surely relate to what he did with the prohibited items. He admitted without any qualification whatsoever, that he administered Telzenac to the four horses. The validity of his guilty plea will be considered later on. All that needs to be stated here is that in the face of his unqualified admission of guilt, the Stipendiary Stewards were entitled to frame charges against him in relation to the administering of the substances to the four horses. As such, his contention that there was a breach of the rules of natural justice when the second, third, fourth and fifth charges were framed at the inquiry on 23 August 2000 cannot be countenanced.

(2) REASONABLE OPPORTUNITY TO BE HEARD

46. As has been mentioned, one of the cardinal principles of natural justice is that the accused must be given a reasonable opportunity to be heard.

47. There is no doubt that Mr Ang was given a reasonable opportunity to be heard. Mr Fishers opening statement at the beginning of the inquiry hearing and Mr Angs reply were recorded at p 1 of the notes of the inquiry as follows:

> Chairman: You may call any witnesses to the Inquiry and make any statements to the Stewards and you can present any evidence that you wish. You can question any evidence or witnesses that the Stipendiary Stewards might introduce. Do you understand the position and your rights?
>
> Trainer Ang: Yes.

Calling of witnesses

48. The fact that Mr Ang had the opportunity to call witnesses to testify at the inquiry but did not do so has already been considered. It must also be noted that he was even afforded an opportunity to call witnesses to speak on his behalf after he pleaded guilty to the charges. At p 78 of the notes of the inquiry, the exchange of words between Mr Fisher and Mr Ang was recorded as follows:

> Chairman: Mr Ang, are there any witnesses that you would like to call in to speak on your behalf on mitigation?
>
> Trainer Ang: Not necessary, Sir.

Opportunity to read reports

49. Mr Ang complained that before the inquiry, he was not given relevant reports, such as the Security Departments report and the analysts report on the tests on the four horses, for his perusal.

50. At the beginning of the inquiry, Mr Ang was invited to read the Security Departments Report. Mr Fishers invitation and Mr Angs reply were recorded in pp 2-3 of the notes of the inquiry in the following terms:

> Chairman: [S]ecurity has submitted a report to me, a copy of which I have here. If you wish to see any part of the report, you may do so.
>
> Trainer Ang: No need, Sir.
>
> Chairman: I will be referring to extracts from it. However, you may see any part of this as Ive referred to.
>
> Trainer Ang: Not necessary, Sir.

51. Later on in the inquiry, Mr Fisher again invited Mr Ang to read the entire report from the Security Department. At p 33 of the notes of the inquiry, the relevant extract is as follows:

> Chairman: . Im offering you the chance to read the report in full.
>
> Trainer Ang: No need, no need; because they have found everything there.

52. Mr Ang paid attention to the parts of the Security Departments report which were read to him at the inquiry. He said that notwithstanding what was stated in the report, he did not try to hide the brown bag containing the prohibited items. He did not dispute the other parts of the report. Having opted not to view the report, he is in no position to assert that his right to see the Security Departments report has been infringed.

53. As for the analysts report on the finding of prohibited substances in the four horses, Mr Ang did not doubt the findings of the MRA laboratory. At the inquiry, he made this clear when he declined to insist on his right to have samples of the urine of the four horses sent to another laboratory for testing. This will be discussed in greater detail later on in this judgment.

Questioning of STCs witnesses

54. Mr Ang was given the opportunity to question STCs witnesses. To begin with, Mr Fisher invited Mr Ang to question Mr Lim from the Security Department. This is evident from p 34 of the notes of the inquiry. The relevant extract is as follows:

> Chairman: Mr Ang, this report was submitted to me by Lim Ah Tee, from Security Department . Are there any questions that you want to ask him regarding this report or the content of this report.
>
> Trainer Ang: Only thing is, I did not try to hide the bag.
>
> Chairman: Is there anything you want to question him about these items?
>
> Trainer Ang: No, the items are there. Theres no need to question him .

55. Before the security officers left the premises, Mr Fisher asked Mr Ang once more whether he wanted to question anyone from the Security Department. Mr Ang declined to do so.

56. Mr Ang was also invited to question Dr Brian Stewart, STCs veterinary surgeon but he declined to do so. (See p 21 of the notes of the inquiry.)

57. In short, Mr Ang cannot complain that he was given no opportunity to defend himself by questioning STCs witnesses.

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Referee samples

58. To understand Mr Angs complaint in relation to the referee samples, reference must be made to Rule 29 of the MRA Regulations, which provides as follows:

> *Rule 29.2*
>
> When a urine sample is taken, it will be split into two samples, one sample will be analysed by the MRA laboratory; the other to be held by the Associated Club where the sample was taken.
>
> *Rule 29.3.1*
>
> Within seven (7) days of the trainer being notified of the presence of a prohibited substance from a sample collected from a horse under his charge, the trainer may request the referee sample be sent to one of the MRA approved laboratories. When despatching the referee sample to the nominated laboratory, the associated Club shall ask the nominated laboratory to confirm the presence of the prohibited substance found by the MRA laboratory in the first sample.
>
> *Rule 29.5*
>
> All costs arising from the despatch of the referee sample to the nominated laboratory shall be to the account of the trainer.

59. Mr Ang complained that after he made an oral request for the referee samples of the urine of the four horses to be sent to an independent laboratory for testing, STC failed to act on his request. In his statement of claim, he stated that STCs omission unfairly deprived him of vital evidence which might have showed that the MRA laboratorys test results were flawed.

60. Mr Fisher said that as a trainer has to bear the cost of such a test, he asked trainers who require a referee sample to be sent to an independent laboratory for testing to make their request in writing in order to avoid a dispute as to whether or not such a request has been made after the cost has already been incurred. Admittedly, the relevant rule does not require a request to be made in writing but it was not difficult for Mr Ang to make his request in writing. In any case, Mr Fisher, who was fully aware of Mr Angs right to have the referee sample tested, asked him at the inquiry whether he still required the referee samples to be tested. The following exchange of words between Mr Fisher and Mr Ang was recorded in p 43 of the notes of the inquiry:

> Chairman: Im asking you now because those Inquiries were pending, your decision on whether you wanted to send the referee samples away?
>
> Trainer Ang. No, not necessary, Sir.

61. When he was cross-examined, Mr Ang claimed that at the inquiry, he thought that the referee samples had already been sent for testing and that the inquiry panel had the test results. He said as follows:

> Q. At the inquiry, you were asked whether you wanted the referee samples to be

sent for testing?

A. Yes.

Q. You declined this offer because you knew that the prohibited substance in your bag was Eltenac?

A. I totally disagree. I was under the impression that my oral request was met with. I thought that he had the results.

62. Mr Angs contention that he thought that the referee samples had already been tested and that Mr Fisher had the results is absolutely untenable. He must have known that if the samples had indeed been sent to a laboratory in another country for testing after he made an oral request on the evening of 19 August 2000, which was a Saturday, the results could not have been available on 23 August 2000. In any case, the following exchange of words between Mr Fisher and Mr Ang at p 43 of the notes of the inquiry puts paid to any suggestion that Mr Ang could have been mistaken about whether the referee samples had already been sent away for testing:

Chairman: . So you had the Right within seven days. *Do you still wish to send those referee samples away*?

Trainer Ang: No, because if say is anti-inflammatory, it must be the substance administered by myself. So, there is no need to doubt the Lab. I mean if were questioning the integrity and the ..

(emphasis added)

63. There is thus no doubt that even at the inquiry stage, Mr Ang had the opportunity to have the referee samples sent for testing. Having not exercised his right, he has no grounds for complaining that the referee samples were not sent for testing.

Mr Ang was given an opportunity to defend himself

64. In view of the fact that Mr Ang was given the opportunity to call witnesses, read the relevant reports, question STCs witnesses and insist that the referee samples be sent to an independent laboratory, his assertion that he was not afforded an opportunity to defend himself is rejected.

C. THE VALIDITY OF THE PLEA OF GUILT

65. At the inquiry on 23 August 2000, Mr Ang pleaded guilty to all the five charges. However, he asserted that his guilty plea was not valid.

66. In *Ganesun s/o Kannan v PP* [1996] 3 SLR 560, 563, Yong Pung How CJ reiterated that a plea of guilt must be valid and unequivocal and that the court must ensure that it is the accused himself who wishes to plead guilty, that the accused understands the nature and consequences of his plea and that the accused intends to admit without qualification the offence he is alleged to have committed.

67. The evidence does not show that Mr Ang did not wish to plead guilty or that he did not understand the nature and consequences of his plea.

68. As for the first charge, which concerns the possession of prohibited items and drugs, Mr Ang clearly knew what he was doing when he pleaded guilty. To begin with, he admitted that needles, syringes and prohibited medication were found on him. He also admitted that the prohibited bottles of medication were his property. During cross-examination, he said as follows:

> Q. These items belonged to you.
>
> A. I did not deny they were my bottles.

69. At the inquiry, Mr Ang was given innumerable opportunities to deny that the prohibited items were his. Mr Fisher was cautious enough to ask him more than once whether the said items belonged to him. His questions and Mr Angs replies, as recorded in p 34 of the notes of the inquiry, are as follows:

> Chairman: Ill ask you once more, do you accept that these items as listed here 1-8 were in your possession and in your brown bag?
>
> Trainer Ang: Yah, they were there, they were right in front of me. Theres no denying it.
>
> Chairman: And you admit they, some of which, are prohibited substances?
>
> Trainer Ang: No denying, Im as guilty as it comes. Yes, Im not denying that, Sir.

70. Mr Ang admitted his guilt again when he declined to question Mr Lim from the Security Department. At p 34 of the notes of the inquiry, the relevant questions and answers are as follows:

> Chairman: Is there anything that you want to question [Mr Lim] about these items?
>
> Trainer Ang: No, the items are there.
>
> Chairman: The concern we have is for these items and the possession.
>
> Trainer Ang: Because the items are there, no denying. No denying, Sir.

71. When questioned by Mr Rajendran, a member of the inquiry panel, Mr Ang again confirmed that he had the prohibited items in his possession. The relevant questions and answers, as recorded in p 31 of the notes of the inquiry, are as follows:

> Mr Rajendran: Why would you ask [the security personnel] for the help?
>
> Trainer Ang: Because inside the bag was a lot of medication.
>
> Mr Rajendran: Which were prohibited, right?
>
> Trainer Ang: Some of them were prohibited.
>
> Mr Rajendran: [W]hat I am trying to establish is whether you knew that it was.
>
> Trainer Ang: *If I did not, if I didnt know what it was, I wont ask him to help.*
>
> (emphasis added)

72. It is pertinent to note that when Mr Ang was questioned by the police, he admitted that the prohibited items were in his

possession. He confirmed this at the inquiry. At p 64 of the notes of the inquiry, he said as follows:

> Chairman: And you accepted and you also advised the police that you had these items in your possession.
>
> Trainer Ang: Yes, yes, I told them, theres no denying.

73. When cross-examined, he also confirmed that he told the police that he had the prohibited substances in his possession. He said as follows:

> Q. Did you advise the police that you administered the medication and you had possession of them.
>
> A. Yes, I did.

74. Mr Arul contended that Mr Ang should not have been found guilty of possessing prohibited items because there was no proof that the bottles in question contained prohibited medication. This argument ignores the fact that Mr Ang admitted that he had in his possession needles and syringes, which are also prohibited items. In any case, as far as the contents of the bottles of medication are concerned, Mr Ang did not deny that they were properly labelled or that the contents therein were not the medication stated in the labels. When cross-examined, he said as follows:

> Q. Were the bottles properly labelled?
>
> A. I cannot deny that the labels were there.

75. As for the second, third, fourth and fifth charges which concerned the administering of Telzenac to the four horses which had been entered for the race, Mr Ang also admitted his guilt on innumerable occasions during the inquiry. He also said that although he knew that the substance was prohibited, he administered it to the four horses as he had been told that it could not be detected in the pre-race blood test and post-race urine test conducted by the MRA laboratory.

76. Mr Arul submitted that Mr Angs plea of guilt in relation to his administering of Telzenac to the four horses is invalid because he was under the mistaken impression that he was only going to be charged under MRA Rule 203(d), which concerns the absolute liability of a trainer for prohibited substances found in his horse and not under MRA Rule 200(5), which is applicable where a trainer has personally administered a prohibited substance to his horse. Mr Arul explained that as Mr Ang was under the mistaken impression that the effect of MRA Rule 203(b) is that he is guilty of an offence regardless of whether or not he has personally administered a prohibited substance to any of the horses under his training and care, he pleaded guilty to the charges under MRA Rule 200(5).

77. This submission is untenable as Mr Ang repeatedly acknowledged at the inquiry that he personally administered Telzenac to the horses. At p 42 of the notes of the inquiry, the relevant extract is as follows:

> Chairman: Youre saying that you administered Eltenac to those horses?
>
> Trainer Ang: I am personally responsible for that and theres no denying there because I got no defence whatsoever, Ive got no intent to put in any defence.
>
> Chairman: So, Mr Ang, to reiterate then, are you saying that STAR DRAGON and SKY WARRIOR returned positive to Eltenac because you administered that?
>
> Trainer Ang: Thats right, Sir, yes.

78. Mr Fisher then asked Mr Ang about the amount of prohibited medication administered to the horses. His question was

very specific and referred to Mr Angs own act. The relevant extract from p 43 of the notes of the inquiry is as follows:

> Chairman: How much did *you* administer to those horses?
>
> Trainer Ang: Also 2 mls, Sir.
>
> (emphasis added)

79. Within a short time after the above answer, Mr Fisher returned to the subject of Mr Angs personal liability. At p 46 of the notes of the inquiry, the following extract may be found:

> Chairman: Mr Ang, can I just ask you did you personally administer medication to these four horses, STAR DRAGON, STAR WARRIOR, CRYSTAL CHILAVERT and PRINZ OSKAR?
>
> Trainer Ang: Yes, Sir.
>
> Chairman: You administered personally?
>
> Trainer Ang: Personally, yes, Sir.

80. It should also be noted that Mr Ang told the inquiry panel that when he was questioned by the police, he admitted that he administered the prohibited medication to the horses. As is evident from p 64 of the notes of the inquiry, he told the inquiry panel as follows:

> Chairman: Did you advise the Police that you administered this medication to your horses?
>
> Trainer Ang: Yes, yes, I told them I did.

81. Notwithstanding the overwhelming evidence that Mr Ang admitted his guilt at the inquiry hearing, he said at the trial that his admission of guilt should be ignored because he had told the inquiry panel a pack of lies. As for his admission to the police, he also said that he lied to the police and that it must be borne in mind that he was not under oath when he spoke to the police. No one should, without more, expect a re-hearing of his case merely on the ground that he had deliberately lied to the inquiry panel and the police. In any case, Mr Ang did not establish that what he had told the inquiry panel and the police were lies. As such, much more is required to show that his plea of guilt is invalid.

Whether Mr Ang was confused at the inquiry

82. Mr Angs final line of attack with respect to the validity of his plea of guilt was that he was so confused and emotional during the inquiry that he was in no position to understand the ramifications of his plea of guilt.

83. Throughout the trial, Mr Ang claimed that he was too confused at the inquiry on 23 August 2000 to be able to think clearly. However, a perusal of the notes of the inquiry will show that Mr Ang did not appear to have been a confused man at the inquiry. It must be noted that what Mr Ang told the inquiry panel was consistent with what he told the police when they interviewed him before the inquiry. He had intended that at the inquiry, he would stick to what he told the police. During cross-examination, he said as follows:

> Since I said those things at the police station, I might as well say the same things at the inquiry so that I dont have to implicate anybody.

84. It was not alleged that Mr Ang was confused when he gave his statement to the police. As such, if he merely repeated at the inquiry what he told the police earlier on, namely that he had in his possession prohibited items and that he had administered a prohibited substance to his horses, his contention that he was so confused at the inquiry that he would have pleaded guilty to any charge framed against him at the inquiry cannot be countenanced.

85. When cross-examined, Mr Peter Chadwick, a member of the inquiry panel, confirmed that he did not think that Mr Ang was in a confused state during the inquiry. He said as follows:

> Q. Do you agree that Mr Ang was confused and emotional?
>
> A. He was not confused during the inquiry.
>
> Q. Did you not think it prudent although Mr Ang did not request it, to adjourn the inquiry.
>
> A. Mr Ang did not break down. He did not act in a manner which would cause me any concern.
>
> Q. After five charges were preferred, was it not prudent to adjourn the hearing?
>
> A. The impression Mr Ang gave me was that he wanted the matter finalised. He had pleaded guilty and was willing to throw himself at the mercy of the inquiry panel.

86. Mr Rajendran, another member of the inquiry panel, also did not think that Mr Ang was confused at the inquiry. When cross-examined, he said as follows:

> Q. What was Mr Angs emotional state at the inquiry?
>
> A. He threw in the towel when he came in and said that he was sorry. He was calm and cool.
>
> Q. Maybe, he was evasive or confused?
>
> A. Evasive, not confused.

87. Mr Arul referred to p 62 of the notes of the inquiry, where Mr Ang said in reply to a question by Mr Rajendran that he was so confused that he did not know what was happening. This remark must be read in its proper context. When he was cornered by STCs security officers on 19 August 2000, Mr Ang had asked them not to open a brown bag because he said that it contained money. When the bag was searched, it contained no money. Instead, it contained prohibited items such as Telzenac, Rakelin, needles and syringes. The notes of the inquiry revealed that Mr Ang had been confused by his own evidence with respect to the brown bag, which was supposed to have contained money instead of prohibited items. At first, he said that the brown bag containing the prohibited items was the bag that was supposed to have contained his money. Subsequently, he changed his position and claimed that there were two brown bags instead. The relevant extract from p 62 of the notes of the inquiry is as follows:

> Mr Rajendran: On the 16th, you came back from Perth?
>
> Trainer Ang: Yes, I came back from Perth with that bag of money.

Mr Rajendran: Ok. Is that the same bag as?

Trainer Ang: The same bag, yes. I think I got same bag, *it was the same bag.*

Mr Rajendran: You sure it was the same bag?

Trainer Ang: *Im so confused, I dont know what is happening*.

Mr Rajendran: Take your time, take your time.

Trainer Ang: *Hang on, I had two bags in the bag.*

Mr Rajendran: So two bags?

Trainer Ang: Ive two bags, both are brown.

(emphasis added)

88. Mr Rajendran took the view that Mr Angs confusion was limited to the issue of the brown bags. When cross-examined, he said as follows:

> Q. He said at p 62 of the Notes of Evidence that he was confused. Was he crying at this point?
>
> A. He was not crying. He was confused because he was trying to establish which bag it was.
>
> Q. If he is confused, is it possible that he did not understand what was going on?
>
> A. No. We were trying to establish which bag it was. I dont think he was confused. He perfectly understood what was going on.

89. Mr Chadwick also had no doubt that Mr Angs confusion was only in relation to his own explanation on the brown bags. When cross-examined, he said that when Mr Ang said that he was confused, he was asking Mr Rajendran for a clarification of his question with respect to the brown bag.

90. After listening to the witnesses and evaluating the evidence, I have no doubt that Mr Angs confusion was limited to the question of the brown bag and that although he may have been stressed and anxious during the inquiry, he was not so confused as to be unable to understand the proceedings or the ramifications of his plea of guilt.

Lack of legal advice

91. Mr Arul also submitted that Mr Angs plea of guilt was affected by a lack of legal advice. Mr Ang claimed that he tried but failed to contact Mr Arul on the day before the inquiry. It must be noted that Mr Ang knew that he was in serious trouble and he knew from experience that an inquiry would be called at any moment. He also knew that the MRA Rules did not permit him to be represented by a lawyer at the inquiry. He would not have waited until the last minute to try and contact Mr Arul or any other lawyer if he needed legal advice. As has already been mentioned earlier on in the judgment, Mr Ang had planned all along to admit his guilt in the hope of getting a lighter sentence. In these circumstances, he is in no position to complain that he did not have time to consult a lawyer or that he was not allowed any legal representation at the inquiry. I thus find that Mr Angs

decision to plead guilty has got nothing to do with the lack of legal advice.

Whether Mr Ang pleaded guilty to void charges

92. Mr Arul also submitted that the charges against Mr Ang were invalid for a number of reasons.

93. To begin with, the first charge will be considered. It concerns a breach of Rule 203(d) of the MRA Rules of Racing, which provides as follows:

> No person other than an Official Veterinary Surgeon or a person authorised by the Club shall have in his possession *in any stable or grounds of a race track*:
>
> (i) any means of parenteral or nasogastric administration of any prohibited substance;
>
> (ii) any prohibited substance.
>
> (emphasis added)

94. As has been mentioned, Mr Ang was found with needles, syringes and medication such as Rakelin and Telzenac. Needles and syringes are regarded as means of parenteral administration of prohibited substances and Rakelin and Telzenac are prohibited substances. Notwithstanding this, Mr Arul contended that Mr Ang had not breached Rule 203(d) of the MRA Rules of Racing because he was not found to have been in possession of the prohibited items while in any stable or grounds of a race track. Instead, he was caught with the prohibited items while in the car park. Whether or not a purposive construction of the term "stable" should be employed so as to include within its ambit the stable complex, an enclosed area which includes the car park, need not be considered because Mr Ang admitted at the inquiry that the bag containing the prohibited items was in his stable. At p 5 of the notes of the inquiry, he said as follows:

> To be honest with you, Sir, I carried this bag around without realising it my stuff was in there. I had it in my bag when I, when I, when I was *in the stable in the morning of Thursday and actually I forgot it was in there*. And all the time I was carrying it around.
>
> (emphasis added)

95. When he was questioned by Mr Rajendran, Mr Ang again admitted that the prohibited items were brought to his stable. The following extract from p 59 of the notes of the inquiry makes this clear:

> Mr Rajendran: When did you bring to your stable?
>
> Trainer Ang: On the Thursday.
>
> Mr Rajendran: That was on the 17th you are trying to tell?
>
> Trainer Ang: Yes.

96. As for the contention that the search conducted by STCs security officers in the car park was illegal, this is not tenable because Rule 203(e) of the MRA Rules of Racing specifically provides that STCs security officers are entitled to "enter and search any stable and any *stable complex*". Surely, the car park within the fenced-up enclosure in which the respective stables

of the trainers are located is part of the stable complex. In these circumstances, the argument that the first charge against Mr Ang is invalid has no merit.

97. In regard to the second, third, fourth and fifth charges against Mr Ang concerning the administering of Telzenac to the four horses, Mr Arul pointed out that all that Mr Ang had admitted to at the inquiry was that he had administered Telzenac to the four horses on the Thursday before the relevant Saturday race day. He pointed out that Dr Kimberley John Rose, an Australian veterinary surgeon, gave evidence to the effect that if a horse had been given Telzenac on a Thursday, there would be no trace of the medication by Saturday. In view of this, he said that Mr Angs plea of guilt was ineffective as it was impossible to relate his admission that he administered Telzenac to the horses on Thursday to the failure of the horses to pass the tests on Saturday.

98. The above argument fails to take into account the effect of Rule 200(5) of the MRA Rules of Racing, which provides that any person who administers any prohibited substance to a horse *"which has been entered for a race"* may be disqualified. Mr Ang knew that the horses had already been entered for a race when he administered Telzenac to them on Thursday. At p 39 of the notes of the inquiry, he said as follows:

> Chairman: So when you administered this medication to CRYSTAL CHILAVERT and PRINZ OSKAR on or about the 17th of August, were you aware that you were administering a prohibited substance?
>
> Trainer Ang: Yes, Sir.
>
> Chairman: And were you aware that that would be contrary to the Rules as those horses were entered to race?
>
> Trainer Ang: I was aware of that, Sir, but I was thinking of the welfare of the horse, Sir.

99. In view of the aforesaid, the contention that Mr Ang did not admit that he had breached Rule 200(5) of the MRA Rules of Racing is rejected.

Mr Angs plea of guilt is valid

100. I hold that Mr Angs plea of guilt was unequivocal and that he understood the nature and consequences of his plea.

D. WHETHER MR FISHER WAS BIASED?

101. Finally, I turn to the allegation that Mr Fisher should not have chaired the inquiry proceedings because he was biased against Mr Ang. It is trite law that a person may be disqualified from hearing or determining a case or matter because of actual or apparent bias. (See, for instance, the decision of the Court of Appeal in *Tang Liang Hong v Lee Kuan Yew & Anor* [1998] 1 SLR 97.)

102. Mr Ang said that he had a bad relationship with Mr Fisher. For a start, he contended that sometime around July 2000, Mr Fisher had accused him of spreading rumours about his impending resignation from STC. Secondly, it was alleged that Mr Fisher had on occasion voiced his unhappiness over the fact that Mr Angs daughter, Ms Crystal Ang, rode to the starting gate without using stirrups. Thirdly, Mr Ang pointed out that Ms Ang had on several occasions received unnecessarily harsh sentences from the panel of stipendiary stewards when Mr Fisher was presiding. Finally, Mr Ang submitted that the harsh

sentence received by him on 23 August 2000 showed that STC and its officials were biased against him.

103. Mr Ang failed to prove his assertion that Mr Fisher was biased against him for a number of reasons. To begin with, in his letter of 22 August 2000 to Mr Fisher, he stated as follows:

> I am ashamed of myself for letting you down despite *your leniency towards me in the past*.
>
> (emphasis added)

104. When cross-examined, Mr Ang confirmed that he thought that Mr Fisher had been lenient in the past. He said as follows:

> Q. Did you not state in your letter of 22 August 2000 that Mr Fisher had been lenient to you in the past?
>
> A. It appears that he was lenient in the past. To me, he was lenient.

105. It is also worth noting that Mr Fisher did not submit Mr Angs letter of 22 August 2000 to him as evidence before the inquiry panel. As has already been mentioned, Mr Ang said in this letter that he was totally wrong and that he was guilty in every sense of the word. If Mr Fisher was indeed biased, he would have placed the said letter before the inquiry panel as that would have seriously prejudiced Mr Angs case.

106. As for Mr Angs allegation that Mr Fisher had accused him of spreading rumours, Mr Fisher said as follows in para 86 of his affidavit of evidence-in-chief:

> The plaintiff has chosen to exaggerate an issue which I mentioned in passing to him during one of our conversations. I had been informed by a member of the defendants staff that the plaintiff had mentioned that I might be resigning. When I next spoke to the plaintiff, I asked him in passing whether he had said such a thing. The plaintiff expressed his surprise and said that he had not made such a statement. I left it at that. I was neither confrontational [nor] accusatory.

107. When cross-examined and when questioned by me, Mr Angs answers confirmed Mr Fishers position. His answers were as follows:

> Q. You said that Mr Fisher accused you of spreading rumours?
>
> A. Yes.
>
> Q. All that Mr Fisher asked you was whether you told other people that he was resigning?
>
> A. He asked me if I told people and I said I did not and that was all.
>
> Ct. That ended the matter?
>
> A. Yes. He added that he was not resigning. He then walked away.

108. As for the allegation that Mr Fisher was displeased with Mr Angs daughter for riding to the starting gate without the use of stirrups, Mr Fisher admitted that he told Ms Ang that riding without the use of stirrups at the starting gate is bad form. However, he stressed that he was only trying to educate Ms Ang as she was an apprentice jockey and it was STCs policy to improve the image of horse racing. When cross-examined, Mr Ang conceded that Mr Fisher was performing his duties as an

official of STC whenever he mentioned that Ms Ang should not ride to the starting gate without stirrups.

109. As for Ms Angs allegation that she had received manifestly unfair or unnecessary sentences from the panel of Stipendiary Stewards whenever Mr Fisher was the chairman of the panel, Mr Fisher pointed out that Ms Angs disciplinary record is "fairly average". He produced the disciplinary records of Ms Ang and two other apprentice jockeys to prove his point. He also noted that Ms Angs sentences had been upheld on appeal by the Racing Stewards.

110. Ms Crystal Ang did not substantiate her allegation that Mr Fisher was biased against her and her father. Although she tried to correct her position during re-examination, her answers during cross-examination clearly showed that she had no basis for alleging that Mr Fisher was biased. She said as follows:

> Q. Did you think Mr Fisher was biased because you were suspended?
>
> A. Yes.
>
> Q. Is that the only reason why you think he was biased?
>
> A. Yes.
>
> Q. Did you think that the racing stewards who heard your appeals and affirmed the decisions were biased?
>
> A. No.

111. Finally, Mr Angs complaint that the sentence imposed on him was unduly harsh and manifestly excessive will be considered. In his statement of claim, he asserted that the sentence which he received was clearly disproportionate to the offences which he committed and this can only be explained on the basis that there is evidence of bias on the part of STC or its representatives. Although he further asserted in his statement of claim that there were previous cases involving other race horse trainers who were merely fined for offences with "similar facts", no credible evidence of such cases was produced at the trial. In contrast, Mr Fisher pointed out that this was the first case in which a trainer has been found guilty of personally administering a prohibited substance to his horse. As for the possession of prohibited items, Mr Fisher referred to another case where a trainer was also disqualified for two years for having in his possession equipment for the nasogastric administration of prohibited substances. In view of this, Mr Angs claim that the sentence which he received showed that STC breached its duty to act in a fair and reasonable manner in sentencing him cannot be countenanced.

112. When cross-examined, Mr Ang acknowledged that he thought that Mr Fisher was biased only because he was unhappy with the penalty meted out to him at the inquiry of 23 August 2000. He said:

> Q. You say that he is biased?
>
> A. I know he is biased according to the penalty meted out to me.
>
> Q. Are you saying that he was biased just because of the penalty?
>
> A. Yes.

113. I thus hold that Mr Ang failed to establish that Mr Fisher should not have sat on the inquiry panel which heard his case on 23 August 2000.

E. CONCLUSION

114. Although Mr Ang claimed that he was confused and that he did not know what was happening at the inquiry hearing on 23 August 2000, he had no basis for saying that he had told the inquiry panel and the police a pack of lies. The evidence is that he had planned from the very start to admit his guilt and had hoped that his sincerity in co-operating with the panel of Stipendiary Stewards will result in the imposition of a fine and not a disqualification. He was clearly startled when the Stipendiary Stewards decided to disqualify him for a total of ten years. In the final analysis, after having pleaded guilty to the charges faced by him, Mr Ang tried to obtain a re-hearing of his case because the punishment imposed on him was more severe than what he had expected.

115. Mr Angs claim is dismissed with costs.

Tan Lee Meng

Judge