

**NOTICE OF AND REASONS FOR DETERMINATION OF THE**  
**RACING PENALTIES APPEAL TRIBUNAL**

**APPELLANT :**                    **MAXWELL ROY TAYLOR**

**APPLICATION NO.:**            **A30/08/03**

**PANEL:**                        **Mr Dan Mossenson (Chairman)**  
                                      **Mr Fred Robins (Member)**  
                                      **Mr Tim Schwass (Member)**

**DATE OF HEARING:**        **14 MAY 1991**

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IN THE MATTER OF an appeal by Maxwell Roy Taylor against the determination of the Western Australian Greyhound Racing Association Stewards handed down on 10 April 1991, against the penalties imposed under rules 231.(1)(d) and 231.(1)(a) in that he breached rule 40(3).

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It is the unanimous decision of the Tribunal that the appellant was not training a greyhound, during the relevant period, contrary to the provisions of the Rules Governing Greyhound Racing in Western Australia. Rule 41 does not require a person to be a trainer for the purposes of educating a greyhound as distinct from racing a greyhound. In order properly to interpret rule 40(3) it is necessary to consider the provisions of rule 40(1) and rule 41(1). In this respect the Tribunal upholds the submissions and the interpretation that was pressed upon it by Mr Harrison on behalf of the appellant.

Although it is not necessary for the decision the Tribunal finds, on the basis of the information presented, that the hearing which took place before the Stewards in this matter was not a fair hearing. The appellant should have been allowed the adjournment which he requested. Further the appellant should have been afforded some time in which to consider his position as well as the reasonable opportunity to call such witness or other evidence as he desired.

It is therefore the determination of the Tribunal that the two findings of guilt against the appellant in this matter be set aside.

The Chairman orders, by virtue of the provisions of section 17(9)(e) of the Racing Penalties (Appeals) Act, that the appellant be refunded the sum of \$135 which was paid to the West Australian Greyhound Racing Association in respect of the transcript as well as the \$50 fee which was paid on lodgement of the Appeal.



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DAN MOSSENSON, CHAIRMAN