

DETERMINATION AND REASONS FOR DETERMINATION OF

THE RACING PENALTIES APPEAL TRIBUNAL

APPLICANT : MAURICE CARL THORNLEY

APPLICATION NO. : A30/08/237

PANEL : MR D MOSSENSON (CHAIRPERSON)
MR P HOGAN (MEMBER)
MR F ROBINS (MEMBER)

DATE OF HEARING : 22 DECEMBER 1994

IN THE MATTER OF an application for leave to appeal by Mr M C Thornley under section 13(3) of the Racing Penalties (Appeals) Act against the decision of the WA Turf Club Committee on 13 December 1994 not to issue Mr Thornley a Jockey's licence.

This application is one for leave to appeal which is made pursuant to section 13(3) of the Racing Penalties (Appeals) Act. That subsection empowers the Chairperson to determine in the first instance whether leave of the Tribunal should be granted in relation to this application.

The parties have communicated to the Registrar their desire for the leave application to be dealt with at the same time as the appeal itself in the event that leave is given. The Tribunal has so convened and constituted itself to facilitate that situation should it eventuate.

Careful consideration has been given to the submissions which have been made by both sides. It has not been demonstrated that the Committee has in any way been in error in the manner in which it has handled this particular matter. The Committee under the Rules of Racing has the sole and absolute discretion to licence or refuse to licence jockeys. It appears, for good reason, to have exercised that discretion on this occasion in relation to Mr Thornley. The refusal by the Committee to accede to the present application would not appear to prevent Mr Thornley in the future from reapplying.

The role of the Tribunal is not to be the licensing authority. The Tribunal should not usurp the position of the Committee in regards to the licensing of jockeys.

I am not disposed to determine in the first instance that leave of the Tribunal to hear the application be granted. I therefore refuse Mr Thornley's application.

The fee paid on lodgement of the application will be refunded.



DAN MOSSENSON, CHAIRPERSON

9 / 1 / 1995

