

DETERMINATION AND REASONS FOR DETERMINATION OF
THE RACING PENALTIES APPEAL TRIBUNAL

APPLICANTS : JERIME STEELE & JEFFERY STEELE

APPLICATION NO. : A30/08/266

PANEL : MR D MOSSENSON (CHAIRPERSON)

DATE OF HEARING : 24 AUGUST 1995

IN THE MATTER OF an application for leave to appeal by Mr & Mrs J Steele under section 13(3) of the Racing Penalties (Appeals) Act against the decision of the Western Australian Trotting Association Committee on 26 July 1995 relating to the sale and transfer of documents of HURRICANE MISCHIEF.

Mrs J Steele represented Mr Steele and herself.

Mr T Styles represented the WA Trotting Association Stewards.

Having heard today's submissions and after studying the material which was presented to me I am not persuaded that this matter warrants the granting of leave to appeal.

I am satisfied that the facts and circumstances do not justify granting leave under section 13(1)(d) of the Act as there are no special or extenuating circumstances to warrant the exercise of the discretion to grant leave.

I am also satisfied in relation to the other possible opportunity for leave, namely section 13(2)(b), that there is no public interest reason justifying the granting of leave. This matter is obviously of important private or personal interest to the applicants. None of the facts as I understand them contain any public interest element.

If any further action is to be taken in the matter, then, as the applicants' solicitors Pye and Quartermaine appear to have indicated, that is a matter for determination through the ordinary court system. The resolution of such an issue is inappropriate to the jurisdiction of the Racing Penalties Appeals Tribunal and its governing Act. For these reasons I refuse the application.

The fee paid on lodgement of this application is refunded.



DAN MOSSENSON, CHAIRPERSON

13/9/1995

