

DETERMINATION AND REASONS FOR DETERMINATION OF
THE RACING PENALTIES APPEAL TRIBUNAL

APPLICANT : DONALD MAXWELL WIMBRIDGE
APPLICATION NO. : A30/08/272
PANEL : MR D MOSSENSON (CHAIRPERSON)
DATE OF HEARING : 1 NOVEMBER 1995

IN THE MATTER OF an application for leave to appeal by Mr D Wimbridge under Section 13(1)(d) of the Racing Penalties (Appeals) Act against the decision of the Western Australian Trotting Association Stewards on 8 September 1995 in relation to a protest following the running of Race 6 the Hannans Boulevard Golden Mile run at Kalgoorlie.

Mr A L Carter was granted leave to represent the applicant.

Mr W E Sullivan represented WA Trotting Association Stewards.

This application for leave to appeal by Mr Wimbridge fails.

I have not been persuaded, for all the reasons specified in the submissions on behalf of the Stewards, that this matter should be referred to the Tribunal as an appeal.

Put simply, this is a case of a party aggrieved by the determination of the Stewards as a result of an incident which falls within the scope of Section 12(1)(a) of the Racing Penalties (Appeals) Act. The party is seeking to change the placings arising out of an incident which occurred during the running of a race.

I have not been convinced that there is any public interest matter that has been raised in relation to this incident. Although I am impressed by the sincerity of Mr Wimbridge, that does not assist in overcoming the statutory hurdle to this matter proceeding further as an appeal.

Accordingly, I refuse leave and the fee paid on lodgement of this application is refunded.

D. Mossenson
DAN MOSSENSON, CHAIRPERSON

28 / 11 / 1995

