

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

APPELLANT: PHILLIP J EATON

APPLICATION NO: A03/08/279

PANEL: MR D MOSSENSON (CHAIRPERSON)
MR J PRIOR (MEMBER)
MS P HOGAN (MEMBER)

DATE OF HEARING: 22 NOVEMBER 1995

IN THE MATTER OF an appeal by Mr P J Eaton against the determination made by Western Australian Trotting Association Stewards on 23 October 1995 imposing the automatic recommencement of the term of twelve months disqualification under Rule 96(a).

Mr P J Eaton represented himself.

Mr M J Skipper represented the WA Trotting Association Stewards.

Australian Rule of Trotting 96 states:

"(a) No disqualified person shall enter or go upon any racecourse or other place under the control of any Club or Body and upon being found on any racecourse may be removed therefrom by any Supervisor, Racecourse Inspector or official, servant or agent of the Club of Body in control of such racecourse, and any disqualified person contravening this Rule shall automatically incur the recommencement of the term of disqualification as from the last date of such contravention and may be further dealt with by the Controlling body. ..."


In this matter Mr Eaton appeals against the automatic recommencement of the term of his disqualification and seeks compassion and leniency from the Tribunal. His explanation for such treatment is that he visited the racecourse on business rather than in relation to trotting matters.

The Tribunal is satisfied that the rule automatically applies and in the circumstances of this case where Mr Eaton admits the offence the Tribunal has no scope to interfere with the automatic application of the rule.

In those circumstances the appeal fails. The fee that was paid on lodgement of the appeal is forfeited.

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DAN MOSSENSON, CHAIRPERSON



11/12/95