

DETERMINATION AND REASONS FOR DETERMINATION OF  
THE RACING PENALTIES APPEAL TRIBUNAL

**APPELLANT:**                                **GEORGE LIONEL WAY**

**APPLICATION NO:**                        **A30/08/397**

**PANEL:**                                       **MR D MOSSENSON (CHAIRPERSON)**

**DATE OF HEARING:**                        **28 NOVEMBER 1997**

**DATE OF DETERMINATION:**                **28 NOVEMBER 1997**

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**IN THE MATTER OF** an appeal by Mr G L Way against the determination made by Western Australian Turf Club Committee on 25 November 1997 in not granting an adjournment in respect of a show cause notice.

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Mr R W Richardson, instructed by Stephen Browne & Co, represented the appellant.

Mr R J Davies QC, instructed by Freehills, represented the Western Australian Turf Club Committee.

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In this appeal Mr Way claims that the determination of the Western Australian Turf Club in refusing to grant an adjournment in relation to the show cause proceedings and in failing to provide information requested by Mr Way's solicitors constitutes a denial of natural justice for the reasons set out in the letter of those instructing solicitors.

I have listened carefully to the propositions put to me by Mr Richardson in support of the appeal and his summary of the law relating to the rules of natural justice. I am not persuaded in all of the circumstances of this matter that there is any merit in this appeal.

I am satisfied that no breach of the rules of natural justice has been demonstrated in the light of the response made by the Committee of the Western Australian Turf Club in its letter of 25 November 1997. That letter spells out clearly what the Committee's resolution was in response to the solicitors' letter. It appears to me clearly open to interpretation that the Committee will be receptive to an argument or arguments being raised at the show cause proceedings along the lines spelt out in the solicitors' letter. It does not appear that the Committee has closed its mind to the question of the concerns expressed in that solicitors' letter.

As Mr Davies has correctly pointed out, the nature of the show cause proceedings must be kept foremost in mind, they are purely administrative proceedings. The basis upon which the Committee has indicated its determination to proceed at this stage does not impinge on Mr Way's rights.

It may transpire as the matter proceeds that Mr Way or his advisers may consider that questions of natural justice do evolve. However, that is not for me to in anyway be concerned with in this particular matter and what may evolve clearly is only an exercise of pure speculation.

In all of the circumstances I order that the appeal be dismissed.

The fee paid on lodgement of the appeal is forfeited.

*Dan Mossenson.*

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**DAN MOSSENSON, CHAIRPERSON**

