

DETERMINATION AND REASONS FOR DETERMINATION OF
THE RACING PENALTIES APPEAL TRIBUNAL

APPLICANT: PAUL WILLIAM ROWE
APPLICATION NO: A30/08/528
PANEL: MR D MOSSENSON (CHAIRPERSON)
DATE OF HEARING 28 MAY 2001
DATE OF DETERMINATION: 28 MAY 2001

IN THE MATTER OF an application for leave to appeal by Paul William Rowe against the determination made by the Committee of the Western Australian Turf Club on 8 May 2001 revoking the Permit to Train pursuant to Rule 7(b) of the Australian Rules of Racing.

The applicant represented himself.

Mr G Carpenter appeared for the Western Australian Turf Club Committee.

This is an application for leave to appeal made pursuant to section 13(1)(d) of the *Racing Penalties (Appeals) Act*.

I have listened to the submissions put forward by Mr Rowe as well as the reply by Mr Carpenter on behalf of the Committee. I have studied Mr Rowe's three separate declaration statements of assets and liabilities which are relevant, namely 26 July 2000, 28 December 2000 and 19 April 2001.

Mr Rowe argues that the comparison between the last statement and that in December reflects the fact that there has been some improvement to his financial position particularly in regard to his ability to meet debts due to people involved in the racing industry. However, when one compares the most recent statement with the original statement, it is clear that there has been an increase in the liabilities.

In deciding to revoke the permit to train the Committee has exercised its powers pursuant to the Australian Rules of Racing. There is power under Rule 7(b) for the Principal Club's Committee to licence trainers on such terms and conditions as are thought fit. Indeed the Committee is not obliged under the Rules to give any reasons for its determination.

I am satisfied that, on the face of it, it was reasonably open to the Committee in this matter to revoke Mr Rowe's permit to train and to take the action which it did. I am not persuaded that Mr Rowe should be granted leave to appeal against the decision of the Committee. There does not appear to be an arguable case for the appeal to be upheld were the matter to proceed.

In those circumstances leave to appeal is refused.

Taking into account the current financial position of Mr Rowe and the concession from Mr Carpenter, the fee of \$300 paid on lodgment of the application will be refunded.

Dan Mossenson

DAN MOSSENSON, CHAIRPERSON

