

**THE RACING PENALTIES APPEAL TRIBUNAL**

**REASONS FOR DETERMINATION OF  
MR D MOSSENSON (CHAIRPERSON)**

**APPELLANT:** CLAYTON ARNOLD EDWARD ELLIOTT  
**APPLICATION NO:** A30/08/544  
**PANEL:** MR D MOSSENSON (CHAIRPERSON)  
MR J PRIOR (MEMBER)  
MR W CHESNUTT (MEMBER)  
**DATE OF HEARING:** 25 OCTOBER 2001  
**DATE OF DETERMINATION:** 28 FEBRUARY 2002

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IN THE MATTER OF an appeal by Mr CAE Elliott against the determination made by the Stewards of the Western Australian Trotting Association on the 21 August 2001 imposing a 6 month disqualification for breach of Rule 243 of the Rules of Harness Racing.

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Mr CAE Elliott appeared in person.

Mr WJ Sullivan appeared on behalf of the Stewards.

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Mr CAE Elliott, a licensed trainer/driver, and numerous others participated in a wild melee at York Trotting Club on 25 July 2001 shortly after the race meeting concluded. After a Stewards' inquiry on the 21 August 2001, Mr Elliott and 4 others were convicted of breaching Rule 243 of the Rules of Harness Racing. Mr PA Stampalia, the only unlicensed person involved, was warned off for 6 months. The 3 others were licensed. Each was disqualified for 6 months. Four of the participants appealed against their convictions and penalties to the Tribunal. Mr B Stampalia withdrew his appeal after taking the matter to the Committee of the Western Australian Trotting Association.

The first appeal dealt with by the Tribunal was that of Garry Bernard Elliott. In the reasons for determination in GB Elliott (Appeal 543) I go into some detail as to the background to the 4 appeals which were made to the Tribunal arising out of the Stewards' inquiries and

subsequent convictions. In that determination I identify and address various complicating factors. I adopt all that information for this determination.

In those reasons I also quote Mr Castillo's written report of the incident which involved this appellant. I go into some detail as to the role of this appellant. In a nutshell this appellant drove his motor vehicle on racecourse land at high speed into a melee which involved other members of Mr Elliott's family, members of the Stampalia family and others. Mr CAE Elliott then burst from his vehicle and jumped into the fray. Present amongst the participants was the Steward, Mr Castillo.

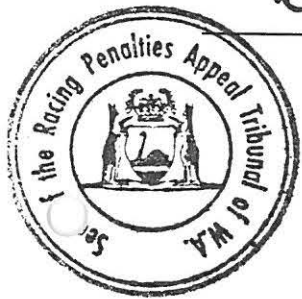
There is no room in trotting for this uncivilised type of behaviour which Mr CAE Elliott and others displayed at the York Trotting Club. The Rules authorise the Stewards to convict and punish those who are involved in the industry who behave in a way which is detrimental to the industry (Rule 243).

The appellant is the holder of an owner/trainer's licence. Despite the complications which arise in the matter and which are identified in the reasons in GB Elliott's determination, I am entirely satisfied that the Stewards correctly convicted this appellant of a breach of the Rules for his aggressive role and participation in the uncouth conduct at the York Trotting Club on 25 July 2001. I am not persuaded by anything which has been presented that the Stewards were in error in regard to the penalty which was imposed.

For these reasons I would dismiss the appeal both as to conviction and penalty.



DAN MOSSENSON, CHAIRPERSON



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Mr WJ Sullivan appeared for the Stewards of the Western Australian Trotting Association.

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I have read the draft reasons of Mr D Mossenson, Chairperson.

I agree with those reasons and conclusions and have nothing to add.

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*John Prior*



JOHN PRIOR, MEMBER

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MR W CHESNUTT (MEMBER)

APPELLANT: CLAYTON ARNOLD EDWARD ELLIOTT  
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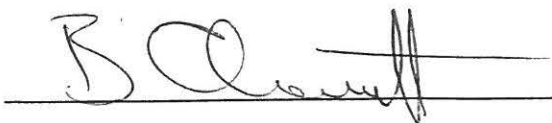
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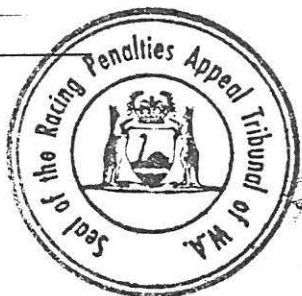
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WILLIAM CHESNUTT, MEMBER

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This is a unanimous decision of the Tribunal.

For the reasons published the appeal is dismissed.



DAN MOSSENSON, CHAIRPERSON

