

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

APPELLANT: TERENCE JOHN NAYLOR
APPLICATION NO: A30/08/633
PANEL: MR P HOGAN (PRESIDING MEMBER)
DATE OF HEARING: 19 APRIL 2005
DATE OF DETERMINATION: 19 APRIL 2005

IN THE MATTER OF an appeal by Terence John Naylor against the determination made by the Racing and Wagering Western Australia Stewards of Harness Racing imposing a \$50 fine for breach of Rule 159(1)(a) of the Rules of Harness Racing.

The appellant represented himself.

Mr W J Delaney appeared for the Racing and Wagering Western Australia Stewards of Harness Racing.

Mr Delaney, Chairman of the Racing and Wagering Western Australia Stewards of Harness Racing, was present at the official trials held at Byford on Sunday, 20 March 2005. Mr Naylor drove REFLECTED IMAGE in an official trial at Byford on that day. Mr Delaney observed during the trial that Mr Naylor's racing colours become unfastened and caused the horse following to baulk.

Following the trial, Mr Delaney advised Mr Naylor that he was fined \$50 for a dress offence under Rule 159(1). That Rule states:

"A driver shall dress for a race in the manner determined by the Controlling Body."

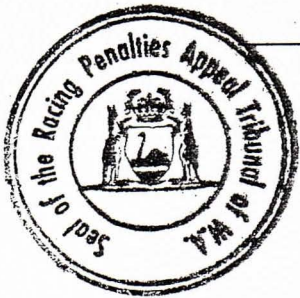
The Dictionary in Schedule 1 of the Rules gives the following meaning:

"race" means a race or official trial or time trial or event in which harness horses race or participate

At the appeal, Mr Naylor acknowledged that the Velcro on his shirt must have become unfastened during the course of the trial. He stated that he was not aware of that occurring during the trial. He believed that the offence deserved nothing more than a reprimand.

Mr Delaney for the Stewards contended that the fine is at the lower end of the scale for this type of offence. He found it hard to believe that Mr Naylor was not aware that his shirt was undone. Mr Delaney said that he had never seen such an incident in all his years as a Steward. He was satisfied that a reprimand was not an appropriate penalty in the circumstances.

The conviction has not been argued by Naylor. I am satisfied that the fine of \$50 is appropriate in all the circumstances. The appeal is dismissed.



P J Hogan

PATRICK HOGAN, PRESIDING MEMBER