

DETERMINATION OF
THE RACING PENALTIES APPEAL TRIBUNAL

APPELLANT: MARK BRADLEY REED
APPLICATION NO: A30/08/727
PANEL: MR D MOSSENSON (CHAIRPERSON)
MR P HOGAN (MEMBER)
MR J PRIOR (MEMBER)
DATE OF HEARING: 27 JANUARY 2011
DATE OF DETERMINATION: 16 FEBRUARY 2011

IN THE MATTER OF an appeal by Mark Bradley Reed against the determination made by the Racing and Wagering Western Australia Stewards of Thoroughbred Racing on 28 October 2010 imposing a 6 month disqualification for breach of Rule 178 of the Rules of Thoroughbred Racing.

Mr D P Sheales appeared for Mr Reed.

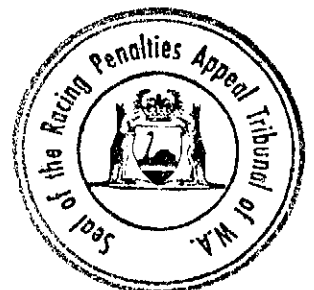
Mr R J Davies QC appeared for the Racing and Wagering Western Australia Stewards of Thoroughbred Racing

This is a unanimous decision of the Tribunal.

For the reasons published the appeal is dismissed.



DAN MOSSENSON, CHAIRPERSON



THE RACING PENALTIES APPEAL TRIBUNAL
REASONS FOR DETERMINATION OF MR P HOGAN (MEMBER)

APPELLANT: MARK BRADLEY REED

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Mr D P Sheales appeared for Mr Reed.

Mr R J Davies QC appeared for the Racing and Wagering Western Australia Stewards of Thoroughbred Racing

BACKGROUND

This is an appeal against a determination of the Racing and Wagering Western Australia ("RWVA") Stewards of Thoroughbred Racing finding the Appellant guilty of an offence against Rule 178 of the Rules of Thoroughbred Racing ("the Rules").

The Appellant was the trainer of GONDORFF, which competed and ran sixth in the XXXX Gold Kalgoorlie Cup on Saturday 18 August 2010. A pre-race blood sample was taken. The sample was split and later analysed at 3 different racing chemistry laboratories. Each of the laboratories reported a particular level of total carbon dioxide (TCO₂) in plasma. The reports from the laboratories prompted the Stewards to commence an inquiry.

THE LABORATORIES

Three laboratories were concerned with the sample in this case.

In Western Australia, it was the Racing Chemistry Laboratory (WA). The person from that laboratory who spoke to the results and gave the relevant evidence was Mr Russo, who is the Science Business Manager from that laboratory. For convenience, I will refer to the relevant parts of the evidence as the "WA result" or the "Perth Result".

In Queensland, the Racing Science Centre Laboratory (QLD) did the analysis. The person from that laboratory who spoke to the results and gave the relevant evidence was Mr Jarrett, who is the Laboratory Manager. This can be referred to as the "Queensland result" or the "Brisbane result".

In Victoria, the laboratory concerned was the Racing Analytical Services Limited Laboratory (Vic). The person who spoke about the results and gave the evidence was Mr Batty, who is the Deputy Director of the laboratory. The relevant parts of the evidence can be referred to as the "Victorian result" or the "Melbourne result".

THE GROUNDS OF APPEAL

The grounds of appeal are as follows:-

- 1. That the Stewards erred in finding that evidence was advanced of sufficient weight to support a finding of a breach of Rule 178 applying the applicable Briginshaw standard.*
- 2. That the Stewards in that they gave either insufficient or no weight to the magnitude of the variation between the two reported TCO₂ levels in the samples tested at the Racing Science Centre (Qld) and Racing Analytical Services (Vic).*
- 3. That the Stewards erred in finding "that variation between the laboratories can be attributed to a physical handling event that reduced that level to cause the difference." (T 91 - 4.1)*
- 4. That the Stewards erred in finding that whatever event occurred to explain the*

magnitude of the variation between the reported levels, that event necessarily reduced any level of TCO2 in the samples.

5. That the Stewards erred in the process of fact finding in that the accuracy of at least one (never identified) of the test results, in that it (they) were reliable evidence of TCO2 levels as at 18.9.10, was presumed.

6. The Stewards erred in their approach to determining the issues before them in that they erroneously approached their task of determining whether either reported level of TCO2 was of itself reliable to the required standard of evidentiary satisfaction by giving weight and relevance to the fact that both reported levels were in excess of the prohibited level of TCO2 as determined by the Rules of Racing.

THE INQUIRY

The inquiry was held on 25 October 2010. All the evidence was heard and presented on that day. Mr Russo, Mr Jarrett, and Mr Batty all gave evidence. The Appellant was represented by counsel, Mr Sheales, who also appeared before us at the hearing of this appeal. The Appellant was charged with an offence against Rule 178. At T81, the Chairman put the charge as follows:-

“CHAIRMANat this stage of the inquiry the Stewards do believe you have a charge to answer. It’s under Australian Rule of Racing AR 178 and I’ll read that rule to you; When any horse that has been brought to a racecourse for the purpose of engaging in a race and a prohibited substance is detected in any sample taken from it prior to or following its running in any race, the trainer and any other person who was in charge of such horse at any relevant time may be penalised. Now Mr Reed you’re charged under that rule for bringing GONDORFF to Kalgoorlie Racecourse on Saturday 18 September 2010 for the purpose of engaging in the Kalgoorlie Cup with a level of TCO2 in excess of 36.0 millimoles per litre in plasma being detected in a pre-race blood sample taken from the gelding. Now Mr Reed, do you understand the nature of the charge?”

The Appellant pleaded not guilty, but was convicted.

The issue in the case before the Stewards, and now before the Tribunal, has to do with the scientific evidence, and the use to be made of that evidence.

PROHIBITED SUBSTANCES

TCO2 at a certain level is defined to be a prohibited substance. At anything less than that level, it is not a prohibited substance. The relevant parts of the Rules are:-

AR.178B. *The following substances are declared as prohibited substances:-*

(1)

(2). Substances falling within the following categories of substances:-

.....
alkalinising agents

AR 178C. *The following prohibited substances when present at or below the concentrations respectively set out are excepted from the provisions of AR 178B:-*

(c) Alkalinising agents, when evidenced by total carbon dioxide (T002) at a concentration of 36.0 millimoles per litre in plasma.

THE OFFENCE

As noted above, the reports from the three laboratories prompted the Stewards to commence an inquiry. Their inquiry in this particular case focussed on only one possible offence, namely an offence against Rule 178. Rule 178 is in the following terms:-

AR.178. *When any horse that has been brought to a racecourse for the purpose of engaging in a race and a prohibited substance is detected in any sample taken from it prior to or following its running in any race, the trainer and any other person who was in charge of such horse at any relevant time may be punished.*

In order for the Stewards to find the Appellant guilty, they would have to be satisfied that the sample contained TCO₂ in excess of 36.0 millimoles per litre (mm/l). No other element of the offence was in dispute in this case.

THE TYPE OF EVIDENCE

Nothing in the Rules limits the type of evidence which can be taken into account. However, in this case, the only evidence which could bear upon the issue was scientific evidence.

Quantification of TCO₂ in blood is not possible by human observation. A quantity of TCO₂ cannot be seen. There was no eyewitness evidence of administration, so that an inference of presenting could be drawn in terms of Rule 178. There was no other observation, or document, from which an inference could be drawn. There was no admission from the Appellant.

The scientific evidence itself fell into 2 categories. First, there were the results of the tests from each of the laboratories. Second, there was what each of the experts from the laboratories said about the results.

THE FACT FINDING EXERCISE

Self-evidently, it was the Stewards who had to determine whether an offence had been committed, or not committed. It was not for the laboratory results to determine the issue, nor for the experts from each of the laboratories. None of them purported to do so. At the commencement of the inquiry, the Chairman said at T2:-

“CHAIRMAN *This is a Stewards’ Inquiry into a report received from the Racing Science Centre in Queensland, that an elevated level of TCO₂ had been detected in the pre-race blood samples taken from GONDORFF, prior to it competing and finishing in sixth place in the XXXX GOLD KALGOORLIE CUP, 2300 metres, at Kalgoorlie on Saturday 18th August 2010.”*

That opening statement by the Chairman should not be taken to mean that there was a level over 36.0 mm/l, because the Stewards had not begun the inquiry and therefore had not reached that conclusion. Nor should it be taken to mean that the Appellant bore any onus of proof. Nor indeed was there any "prima facie case" against the Appellant. Rule 178D(3) had no application in this case, because that Rule talks in terms of "administration", and the Appellant was not charged with an administration offence. He was charged with a presenting offence.

THE PURPOSE OF THE ANALYSIS

There was only one sample. That one sample was split. It was analysed in WA, and then transported interstate and analysed by the Brisbane and Melbourne laboratories. The purpose of having more than one laboratory analyse the one sample was so that if more than one laboratory reported a certain level, then the Stewards could be more satisfied of that level. At this beginning point, it was an exercise in gathering up a quantity or preponderance of evidence, without any regard to the quality or reliability of that evidence. The quality of the evidence, or its value to the Stewards in their fact finding exercise, could be determined at any later inquiry.

A SINGLE RESULT ?

The procedure for the taking, splitting, transportation and testing of samples is designed to eliminate differences between the laboratories. All things being equal, the scientific equipment should return the same result in each laboratory. This in turn will allow the Stewards in their fact finding exercise to be more certain.

In this case, each of the laboratories is an accredited laboratory. Each operates to the same Australian Standards. The taking of the sample, the splitting and the transportation were all done according to the usual procedures. In particular, each of the laboratories reported receiving the sample with seals intact.

However, it is accepted by the different laboratories samples which follow the same path can return different results. As was explained by Mr Russo in answer to a question at T22:-

“SHEALES*you understand, the whole point of the second test is common sense, is that it’s a confirmatory test in that it gives added confidence to the first reading because, in my experience it’s the same, they invariably fall within .1 .2 of what the first reading is.*

RUSSO Ahm not, not regularly no, I've seen it much under than that so we've had them close to I on, on occasions.

SHEALES How many times have you had them over I?

RUSSO Ahm, can't think of any in recent times, but we have had some that have been well and close to one or one just over."

Although it may not be entirely clear from that extract, Mr Russo's evidence was to the effect that despite all attempts at certainty, laboratories can obtain results which differ by 1.0 mm/l.

The same point was explained by Mr Batty at T58:-

"BATTY I'm trying to think where this came from. We, from the data that was put together by Professor Hubert, back in 2008, when the new uncertainty was put together, it was also, I can't recall the actual document but we would consider based on, he considered on the basis of that data, if the Labs differed by more than probably, it's difficult to explain if labs, two labs differed, one more than 1.4, Anything under 1.4 and including considered (sic), that's what, they were still essentially the same result.

SHEALES They were the same result.

BATTY You could argue, you could argue they were the same result but anything above 1.4 was considered difficult to explain by as I said chance error."

Because there is always this possibility of different results, despite all efforts at consistency between laboratories, each laboratory reports a measurement of uncertainty. The accepted measurement of uncertainty applied by each laboratory at 36.0 mm/l is plus or minus 1.0. This measurement of uncertainty was reported by each laboratory in this case.

THE RESULTS IN THIS CASE

The Perth laboratory reported a result of 38.3 mm/l. The Queensland laboratory reported a result of 37.1 mm/l. The Melbourne laboratory reported a result of 39.4mm/l

The sample was tested first in Perth. That Perth result can be discounted for the purposes of considering the argument on this appeal. As Mr Russo explained at T14:-

"RUSSOIn relation to our part of the work, what ended up happening is we ran our samples. We had a sample that was in excess of 36, which is 37 after our calibrations and everything else. We then subsequently went around to try and confirm that result, We then had problems with our instruments because it wasn't sampling correctly. It was occasionally not sampling the blood tubes properly. So I wasn't, we spent all of that Monday trying to get the instrument working properly. We then commenced again on the Tuesday morning to try again and we got nowhere with that,

so my thought was that we've got a sample that's in excess and we need to send it, we need to send the samples away. We can't complete the work, so my judgement was to send the original samples to Queensland, that we were screening and then the other two samples in the control pouch we'd send off to Victoria."

The Appellant's argument relies on the difference of 2.3 mm/l between the Queensland result and the Melbourne result. Despite the fact that both results were over 36.0 mm/l, the difference itself is said to be significant.

THE EXPERT EVIDENCE ON THE DIFFERENCE

The expert witnesses gave evidence about the difference in the results. Mr Batty (Victoria) said at T51:-

"BATTY it's difficult to explain such a large difference between the two labs based on any chance error in measurement, So you would have to say that there must be some other physical reason why you've got some difference between the two sets of tubes. Because any, all, all the work that's been done in this area would say that, a lot of works been done in comparing the results of the various labs in Australia and one would say that getting a difference of 2.3 would be outside what one would expect, we're generally a lot tighter that in terms of the two sets of results coming from two different labs."

Mr Russo was asked his opinion on the difference between Queensland and Victoria. At T24, Mr Russo answered a question as follows:-

"SHEALES If you did not know these were from the same horse, your presumption would be they were from different horses?"

RUSSO Yes, I suppose that's correct."

Mr Russo said that if he was faced with that scenario in his laboratory, would have wanted to do the testing again. The following exchange took place at T24:-

"SHEALES And the divergence is such, I suggest to you that it means that as a scientist as an analyst doing what you do, you would not only say these results were unsatisfactory, you would, if you could, want to run the tests again?"

RUSSO Certainly we would want to run them again."

And further, at T25:-

"SHEALES Yep and with these two readings the conclusion, it's a long winded way of getting there, but the real conclusion in what you're saying in relation to looking at the two of them, is that one of those is wrong. Something's gone wrong with one of these samples?"

RUSSO *There is some certainly a difference between the two.*

SHEALES *But the conclusion you would draw and the real conclusion is, if I may say with the greatest of respect, no one can tell which one, something's gone wrong with?*

RUSSO *That's correct.*

SHEALES *And no one can tell whether or not something's gone wrong with both.*

RUSSO *That's the only, yep."*

SUMMARY

The Stewards had two pieces of scientific evidence available to them in deciding whether or not the level was over 36.0 mm/l. They had the Queensland result and the Victorian result, both of which were over 36.0 mm/l. At the same time, they had expert oral evidence (from Mr Batty and Mr Russo) that one of the pieces of scientific evidence must be incorrect. The Stewards also had evidence was that it was impossible to say which of the two pieces of evidence was incorrect.

The approach proposed by Mr Sheales on behalf of the Appellant was that the Stewards should not rely on either of the pieces of scientific evidence. The necessary result would be that the Appellant was found not guilty. The Stewards decided otherwise. They relied on the two pieces of scientific evidence. They also relied on the WA result, although it had not been confirmed. They found the charge proved.

THE STEWARDS' REASONS

The Stewards gave detailed reasons for convicting the Appellant. The Chairman referred to the real issue in the case at T88, where he said:-

"CHAIRMAN*Virtually the whole of the proceedings on Monday 25 October 2010 before the Stewards was devoted to the matter of the magnitude of variation between the two laboratory reports and the consequences of that for this matter."*

And further:-

"CHAIRMAN*Given the essence of the defence put forth on behalf of Mr Reed, the matter largely turns on us determining the issues in relation to the variation between laboratories and the relevant consequences that follow."*

The Chairman correctly identified the Appellant's argument at T89, where he said:-

"CHAIRMAN*The point taken was the reconciliation of the difference between the two values, where it was put that something must have happened to*

one or both samples to cause the variation and as it could not be established what that was neither report could be relied upon."

The Chairman then went on to make the observation at T 88 that had the sample not been analysed more than once, there would be no reason to discount either of the certificates. I take it from that observation that the Chairman was simply saying that corroboration is not necessary, an observation which is undoubtedly correct. However, the Stewards did not simply rely on that fact. Having been presented with cogent (expert opinion) evidence which may have been exculpatory, they went on to deal with that evidence.

The Chairman referred to Mr Batty's evidence. At T89 to T90, the Chairman said:-

***"CHAIRMAN**It is in this case, necessary to consider the difference between the two laboratories even though each reports a level beyond 36.0 mm/l. In this respect having heard from all the analysts involved, we found the evidence of Mr Batty to be particularly helpful and preferred his evidence in explaining the possible reasons for the variation. In this respect Mr Batty made it clear that each sample was subject to different physical handling which he attributed the variation to. Events such as rough handling, leaky test-tubes and other similar matters may all potentially have an impact on the TCO2 reading. Significantly, that impact, however, was in each case to reduce rather than elevate the level. The experts, in particular Mr Batty indicated that all known events that may affect the accuracy of a TCO2 reading, beyond machinery error, serve to reduce rather than elevate the level. Importantly none of the matters which cause variations of this kind as described by Mr Batty would cause an elevation of the TCO2 reading with them all having a degradative effect on the sample."*

In my opinion, these findings of fact really lie at the heart of the matter.

The Stewards had heard all of the witnesses, and chose to rely on the evidence of Mr Batty. That means that they must have accepted his evidence at T51 that he understood the handling of the samples appeared to be consistent as between the laboratories, but also accepted his evidence at T63 where he said:-

***"BATTY** ...I can only say it again, once they leave the lab they become two separate sets of samples because we don't know how they were handled they might have been roughly handled in one lab or by the couriers or were left in one place, you know, in higher temperatures when they should've been or whatever I just don't know."*

And perhaps more significantly, Mr Batty said at T69:-

***"BATTY**There's plenty of things that make them go lower but very little as far as I'm aware to make them go higher There may be other expert evidence*

to suggest otherwise. As far as I'm aware you might get some minor increases but we are talking fairly minor. Whereas here we've got quite a large difference so pretty much you'd be looking at the one that went to Queensland and say "Well why is it lower?" if we both standing by our results which I'm certainly standing by ours and I'm sure Mr Jarrett is standing by his, but he can only test the samples that arrived at his laboratory. So what has, you know could that be, so you'd have to say well it is possible that has made those samples values go lower whether they'd be leaky tops or haemolysis."

The opinions expressed by Mr Batty, and relied on by the Stewards, did not contradict the evidence of Mr Russo, who agreed at T25 that *"...something's gone wrong with one of these samples"*

In the end, the Stewards relied on the fact that both Queensland and Victoria reported a result over 36.0 mm/l. At T91, the Chairman said:-

***"CHAIRMAN**Indeed we find that the evidence before us overwhelmingly supports a fact that the level was beyond 36.0 mm/l and that variation between the laboratories can be attributed to a physical handling event that reduced that level to cause the difference. What that event was is unlikely to ever be known, however it seems the protocols and procedures designed by experts to ensure degradation does not render the testing of a sample a pointless exercise, worked just well enough to preserve all samples to a level where they still indicated a level beyond 36.0 mm/l."*

CONSIDERATION OF THE GROUNDS OF APPEAL

In my opinion, the Stewards should not have taken into account the WA result of 38.3 mm/l. At T87, the Chairman said:-

***"CHAIRMAN**The indication of an elevated level beyond 36.0 mm/l seen at the Chem Centre became supported by the findings of the other two laboratories which also found the level to be beyond 36.0 mmV. To that very limited extent, 3 laboratories conducting tests of the manner described, recognising the shortcomings of the Chem Centre test due to instrument issues, nonetheless found that such tests a level beyond 36.0 mm/l of TCO2."*

Mr Russo from the Chemistry Centre said (at T14) that they had a sample in excess of 37.0 mm/l, but he was unable to go on and confirm it. The laboratory couldn't complete the work. In those circumstances, I cannot see how any weight at all could be placed on the result obtained. Clearly it did not meet the accepted scientific standard for reporting a result, because Mr Russo said so. Whatever that standard is, it at least includes that the screening result has to be confirmed. Further, the evidence of the Perth result should have been not taken into account on

public policy grounds. In placing weight on the Perth result, the Stewards risked detracting from the value of the evidence to be obtained in future from the laboratories. The laboratories will not have to confirm results if the initial screen is admissible. Persons facing possible sanctions for breaches of the Rules should have confidence that the highest standards will be applied to their cases.

Despite my misgivings about the admissibility of the Perth result, the outcome of the case did not depend on that Perth result, even from the Appellant's point of view. The appeal can be decided ignoring the inadmissibility of that piece of evidence.

Grounds 2 to 6 are in essence complaints about the findings of fact, and the process the Stewards followed in finding those facts. Taken together, they are all particulars of ground 1. I will deal with grounds 2 to 6 first.

GROUND 2. That the Stewards in that they gave either insufficient or no weight to the magnitude of the variation between the two reported TCO2 levels in the samples tested at the Racing Science Centre (Qld) and Racing Analytical Services (Vic).

Clearly, the Stewards did give weight to the magnitude of the variation. Much of the inquiry was taken up by an attempt to quantify in statistical terms the extent and meaning of the variation. No figure was arrived at. However, the important thing was that the Stewards understood what the variation meant. To that end, the experts said it in plain English. Mr Russo said that one of the results was wrong, and he could not say which one. Even further, he said in answer to a question at T 25:-

“SHEALES And no one can tell whether or not something's gone wrong with both.

RUSSO That's the only, yep.”

The foundation for the Appellant's argument could not be expressed any more clearly than that, even if the unlikelihood of correctness of both results was also expressed in statistical terms. It was for the Stewards to decide what weight to give to Mr Russo's opinion, and their decision should not be interfered with unless there was some error in their reasoning. They reasoned that Mr Batty's evidence supplied the answer for the difference. I repeat what Mr Batty said at T69:-

“BATTYThere's plenty of things that make them go lower but very little as far as I'm aware to make them go higher There may be other expert evidence to suggest otherwise. As far as I'm aware you might get some minor increases but we are talking fairly minor. Whereas here we've got quite a large difference so pretty much you'd be looking at the one that went to Queensland and say “Well why is it lower?” if we both standing by our results which I'm certainly standing by ours and I'm sure Mr Jarrett is standing by his, but he can only test the samples

that arrived at his laboratory. So what has, you know could that be, so you'd have to say well it is possible that has made those samples values go lower whether they'd be leaky tops or haemolysis."

I find no merit in ground 2.

GROUND 3. That the Stewards erred in finding "that variation between the laboratories can be attributed to a physical handling event that reduced that level to cause the difference." (T 91 - 4.1)

GROUND 4. That the Stewards erred in finding that whatever event occurred to explain the magnitude of the variation between the reported levels, that event necessarily reduced any level of TCO2 in the samples.

These grounds complain that there was no evidence to support the conclusions referred to. Those submissions are contrary to the evidence of Mr Batty at T69, referred to above. The findings were open on the evidence of Mr Batty.

I find no merit in grounds 3 and 4.

GROUND 5. That the Stewards erred in the process of fact finding in that the accuracy of at least one (never identified) of the test results, in that it (they) were reliable evidence of TCO2 levels as at 18.9.10, was presumed.

Ground 5 is difficult to consider because it is grammatically meaningless. However, I note the evidence of Mr Batty at T51 to T52 :-

BATTYSo it's really difficult to explain why there's that large difference.

CHAIRMAN Apart from to say that they are in excess of the 36.0.

BATTY That's the only thing that you can be certain of is that they are above the threshold level.

GROUND 6. The Stewards erred in their approach to determining the issues before them in that they erroneously approached their task of determining whether either reported level of TCO2 was of itself reliable to the required standard of evidentiary satisfaction by giving weight and relevance to the fact that both reported levels were in excess of the prohibited level of TCO2 as determined by the Rules of Racing.

Whether the level was over 36.0 mm/l was the only issue in the case. The Stewards did in fact rely on a preponderance of evidence that the level was over 36.0mm/l, because they relied on both Queensland and Victorian results. This ground complains that they should not have taken that approach. I would disagree with that submission,. The Stewards found the fact proved because one result corroborated the other. That is an acceptable approach,

particularly because they also had regard to all of the evidence given in relation to the reliability of each result.

I find no merit in ground 6.

GROUND 1. That the Stewards erred in finding that evidence was advanced of sufficient weight to support a finding of a breach of Rule 178 applying the applicable Briginshaw standard.

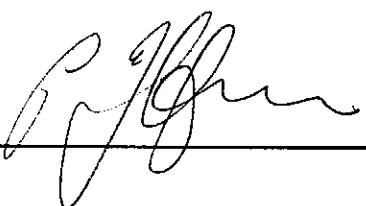
As noted above, I consider that grounds 2 to 6 really amount to particulars of ground 1. All that remains to consider separately under this ground is whether the Stewards applied the correct standard of proof. In giving the Stewards' reasons, the Chairman said at T84:-

“CHAIRMANThe Stewards are aware of the standards of proof required in a serious matter of this type. If found guilty of the charge the adverse affects may well have significant implications for yourself. The determination of this matter requires us to make findings of fact, using the Briginshaw standard working to the higher level. Accordingly the Stewards have carefully considered the evidence before them working to the higher level.....”

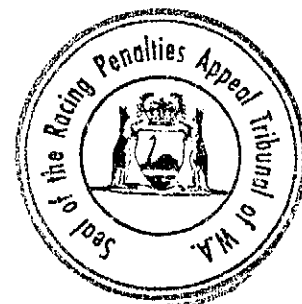
I am satisfied that the Stewards applied the correct standard of proof in this case. For that reason and all of the reasons in relation to grounds 2 to 6, I find no merit in ground 1.

CONCLUSION

I would dismiss the appeal.



PATRICK HOGAN, MEMBER



APPEAL – 727

THE RACING PENALTIES APPEAL TRIBUNAL
REASONS FOR DETERMINATION OF MR DAN MOSSENSON
(CHAIRPERSON)

APPELLANT: MARK BRADLEY REED
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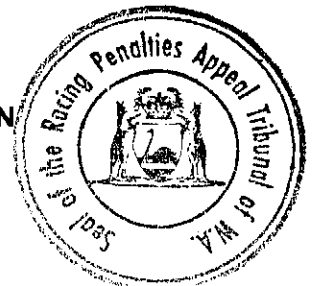
Mr D P Sheales appeared for Mr Reed.

Mr R J Davies QC appeared for the Racing and Wagering Western Australia Stewards of Thoroughbred Racing

I have read the draft reasons of Mr P Hogan, Member. I agree with the reasons and conclusions and have nothing to add.

Dan Mossenson

DAN MOSSENSON, CHAIRPERSON



THE RACING APPEALS APPEAL TRIBUNAL
REASONS FOR DETERMINATION OF MR JOHN PRIOR (MEMBER)

APPELLANT: MARK BRADLEY REED

APPLICATION NO: A30/08/727

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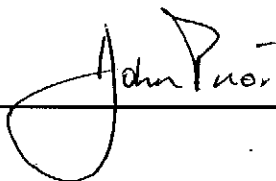
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Mr R J Davies QC appeared for the Racing and Wagering Western Australia Stewards of Thoroughbred Racing

I have read the draft reasons for Mr P Hogan, Member. I agree with the reasons and conclusions and have nothing to add.



JOHN PRIOR, MEMBER

