

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

APPELLANT : MICHAEL LAURENCE LANE

APPLICATION NO.: A30/08/01

PANEL: Mr Dan Mossenson (Chairman)
Mr Tim Schwass (Member)
Ms Pamela Hogan (Member)

DATE OF HEARING: 22 April 1991

In the matter of an appeal by Michael Laurence Lane against the determination made by the Western Australian Turf Club Stewards on 13 April 1991 against the suspension from 13 April 1991 to midnight on 27 April 1991.

It is the unanimous decision of the Tribunal that:

1. The penalty imposed in all of the circumstances is too harsh.
2. The Stewards have failed properly to take into account the consequences to the appellant of the suspension which was imposed.
3. Upon a proper consideration of all the relevant factors including:
 - (a) the circumstances of the incident and the fact that it was not deliberate;
 - (b) the fact that the appellant pleaded guilty;
 - (c) the appellant's previous good riding record;
 - (d) the potential loss of income to the appellant to date arising out of the penalty;

the suspension should be varied so that it shall operate from 13 April 1991 and shall terminate at midnight on 26 April 1991.

The Tribunal hereby varies the suspension to terminate at midnight on 26 April 1991.

There shall be no refund of the application fee.

Dan Mossenson

DAN MOSSONSON, CHAIRMAN