

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

**APPELLANT :**                   **JAMES ANDREW MILLSTEED**

**APPLICATION NO.:**           **A30/08/02**

**PANEL:**                       **Mr Dan Mossenson (Chairman)**  
                                     **Mr Tim Schwass (Member)**  
                                     **Mr Fred Robins (Member)**

**DATE OF HEARING:**       **15 May 1991**

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IN THE MATTTTER OF an appeal by James Andrew Millsteed against the determination made by the West Australian Greyhound Racing Association Stewards on 6 April 1991, against the penalty imposed under Rule 234(15).

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It is the unanimous decision of the Tribunal that this appeal be upheld.

The Tribunal has come to the conclusion that:

1. the appellant was denied a fair hearing;
2. the respondent was in error in accepting the plea of guilty in the circumstances that prevailed;
3. the appellant should have been given the opportunity of presenting his defence; and

4. on the facts the appellant did have a defence to the charge. In that regard the Tribunal accepts the submissions of counsel for the appellant that the offence under the rule 234(15) is not an absolute offence.

Accordingly the Tribunal:

1. sets aside the findings of the Stewards and the fine which was imposed on the appellant; and
2. orders refund of the \$200 provided for security of costs.

The Chairman orders, by virtue of the provisions of Section 17(9)(e) of the Racing Penalties (Appeals) Act, that the appellant shall be refunded the sum of \$17 paid to the West Australian Greyhound Racing Association in respect of the transcript as well as the \$50 fee paid on lodgement of the appeal.



DAN MOSSENSON, CHAIRMAN