

DETERMINATION AND REASONS FOR DETERMINATION OF
THE RACING PENALTIES APPEAL TRIBUNAL

APPELLANT: HAYDEN M FISHER

APPLICATION NO: A03/08/280

PANEL: MR D MOSSENSON (CHAIRPERSON)
MR J PRIOR (MEMBER)
MS P HOGAN (MEMBER)

DATE OF HEARING: 22 NOVEMBER 1995

IN THE MATTER OF an appeal by Mr H M Fisher against the determination made by Western Australian Trotting Association Stewards on 23 October 1995 imposing a six months disqualification under Rule 474.

Mr D Jeffees was granted leave to represent the appellant.

Mr M J Skipper represented the WA Trotting Association Stewards.

Australian Rule of Trotting 474 states:

"No person shall do in connection with harness racing any other matter or thing which, in the opinion of the Controlling Body or Stewards, is fraudulent, corrupt or detrimental to the interest of the sport of harness racing."

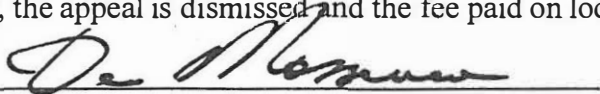
At the Stewards' inquiry the appellant was charged as follows:

"... on Friday the 13th of October at Gloucester Park immediately after your driving engagement in Race 3, the Conaust Limited Stakes, you fraudulently provided a sample of fluid purporting it to be the sample of your own urine. ..."

Mr Fisher was convicted of breaching Rule 474 of the Rules of Trotting in that he fraudulently provided a sample of fluid to the Stewards purporting it to be a sample of his urine. The advocate for the appellant conceded that this matter is a serious one. The appellant was given a reasonable opportunity at the Stewards' inquiry to put forward any mitigation matters as to penalty.

The Tribunal is satisfied that the Stewards took into account all relevant factors and imposed a penalty which was open to them on the facts.

Accordingly, the appeal is dismissed and the fee paid on lodgement of the appeal is forfeited.



DAN MOSSENSON, CHAIRPERSON

