



3. this is the first occasion when a charge has been laid under these provisions;
4. the previous penalty incorrectly imposed by the Stewards at the original inquiry; and
5. the impeccable record and age of the appellant.

We are satisfied that none of these factors are circumstances under which the offence was committed for the purposes of Rule 55A.

The Tribunal is also satisfied that there is no assistance to be gained by the appellant in this appeal to draw any comparison with the Cornwell case which was decided pursuant to the totally different rules which regulate the conduct of thoroughbred racing.

For these reasons the appeal fails as to penalty and is dismissed.

The fee paid on lodgement of the appeal is forfeited.

*Dan Mossenson*

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DAN MOSSENSON

2016/96

