22 August 2023

**DECISION**

**RACING VICTORIA**

**and**

**TAYLAH HAMILTON**

**Date of hearing:** 14 August 2023

**Panel:** Judge John Bowman (Chairperson) and Judge Kathryn Kings (Deputy Chairperson).

**Appearances:** Mr Damian Hannan appeared on behalf of the Stewards.

Ms Taylah Hamilton represented herself.

**Charge:** Australian Rule of Racing (“AR”) 16 states:

AR 16 Disciplinary action Without limiting any other PRA powers, a PRA has the following powers in relation to disciplining and/or penalising a person: (a) to warn off any person whose presence on a racecourse or involvement in racing is, in the opinion of the PRA, not desirable.

Division 2 – Dictionary

AR 2 Dictionary

warned off means a person is not permitted to enter a racecourse under the jurisdiction of the PRA that warned him or her off and, pursuant to AR 265, is subject to the same restrictions or consequences applicable to a disqualified person. (Warning off has a corresponding meaning.)

**Particulars of charge:** At its meeting held on 13 December 2022, the Racing Victoria Board (the Board) considered and accepted a recommendation by the Stewards that you both be warned off indefinitely pursuant to AR 16 of the Rules of Racing.

**Plea:** Not Guilty

**DECISION**

Ms Taylah Hamilton, you are appealing against a decision of the Stewards that you be warned off. This decision, which is made pursuant to AR 16, was contained in a letter of 23 December 2022. Without going into the details at any length, the foundation of the warning off included the non-payment of training fees. Two ongoing complainants in this regard are Mr Peter Moody and Mr Mark Kavanagh.

You have told us that effectively you could not find a telephone number or means of communication with Mr Moody when attempting recently to deal with the matter. We struggle to accept that. Very recent contract has been made with Mr Kavanagh. We would add that this case was the subject of Directions Hearings on 23 May 2023 and 13 July 2023.

As stated, it would appear that your attempts at contact with these trainers have only been recent. It cannot be said that any real progress has been made with Mr Kavanagh and Mr Moody has not been contacted. The situation has been further complicated by the complex ownership situation in relation to the horses involved. What is clear is that endeavours by you to make any progress are very recent.

In that situation, we are not prepared to interfere with the stay at this point in time. We do not dismiss your appeal in relation to it. The stay will continue to operate. However, we are prepared to adjourn your appeal in order to give you the opportunity to take further steps to which you have referred in relation to the payment situation.

The appeal is adjourned as a part-heard matter to Tuesday, 10 October at 10.00am. Of course, the stay will continue to operate. Thus, you have the opportunity of continuing and possibly completing the investigation and discussions with the trainers that you claim you are prepared to undertake.

Thus, the matter is adjourned to 10 October 2023 at 10.00am. If the parties agree or submit that extra time would be of benefit, alteration of that date could be considered.

Mark Howard

Registrar, Victorian Racing Tribunal