10 September 2023

**DECISION**

**RACING VICTORIA**

**and**

**TAYLAH HAMILTON**

**Date of hearing:** 4 September 2024

**Date of decision:** 6 September 2024

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

**Appearances:** Mr Marwan El-Asmar appeared on behalf of the Stewards.

Mr Trent Scott represented Ms Taylah Hamilton.

**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 has appealed against a decision warning her off pursuant to AR 16. The essence of the Warning Off was an alleged failure to pay amounts owing to various persons, including trainers. That decision was taken by the Full Board of Racing Victoria on the recommendation of the Stewards.

This was done by a letter of 23 December 2022. Ms Hamilton had been invited to attend a show-cause interview prior to this, but failed to appear. The letter set out in some detail the reason for the Warning Off and particularly outlined the alleged failure to pay a number of trainers amounts owing for their services, these trainers including Mr Peter Moody and Mr Mark Kavanagh.

Ms Hamilton then appealed pursuant to section 50K of the Racing Act. There was the first of many Directions Hearings. Essentially, the matter was adjourned so that another show-cause interview could be conducted. That was done on 27 January 2023. The matter seems to have become more complicated because of the allegation by the Stewards that Ms Hamilton had changed her name on a number of occasions.

Ms Hamilton was to acknowledge debts owing to various trainers. Deadlines were set and not met. She was to provide various documents concerning her changes of name and horses owned by her. There was then some compliance.

By the time of a Directions Hearing on 14 August 2023, debts were still outstanding. Racing Victoria submitted that the Warning Off should remain in place. Ms Hamilton attended this Directions Hearing. There was a discussion concerning various horses allegedly owned, at least in part, by Ms Hamilton and possible indebtedness to various persons or entities, including the two prominent trainers. There was a somewhat complicated explanation concerning some of this and ownership of horses generally. The general assertion on behalf of Racing Victoria was that little, if anything, had changed since the last Directions Hearing.

We shall not go through all of the Directions Hearings in detail. Some progress was made in relation to the amount owing to Messrs Moody and Kavanagh, but overall progress has been very limited.

There have been Directions Hearings and other Hearings on the following dates:

23 May 2023; 13 June 2023; 14 August 2023; 10 October 2023; 2 November 2023; 1 February 2024; 13 February 2024; 29 February 2024; 6 March 2024; 28 March 2024; 15 July 2024; and this Directions Hearing of 4 September 2024.

Not a great deal of progress has been made by Ms Hamilton. We appreciate that, according to her husband who now represents her, Ms Hamilton has apparently had some mental health problems and has required medical attention and supervision. No material or report in this regard has been put before us, although Mr Scott, who took part over the telephone in the current Directions Hearing, seemed to think that his wife’s Appeal could proceed in a few weeks’ time. We are sceptical in relation to this.

We accept that some payments have been made to Messrs Moody and Kavanagh. However, the amount of money owing seems, if anything, increased, with Mr El-Asmar, on behalf of Racing Victoria, estimating the level of relevant indebtedness now being $128,000. Various letters of Demand, Accounts and the like have been put before us.

Further, there continues to be the problem of some looming criminal prosecution in the District Court of Queensland at Cairns. The exact nature of this is unclear, but apparently it relates to money matters. It may or may not be of substantial relevance. Mr Scott seemed to be confident that it would be “worked out”.

Given the history of events and the general lack of progress that has been made (save for the matters of Mr Moody and Mr Kavanagh), along with the general lack of specific information provided by Ms Hamilton (and her husband), we are of the view that this Appeal should be struck out as requested by the Stewards.

However, as quite fairly suggested by Mr El-Asmar on behalf of Racing Victoria, a right of re-instatement should be reserved.

Those are the orders that we make. The Appeal is stuck out with a right of reinstatement.

Mark Howard

Registrar, Victorian Racing Tribunal