

Appeal decision

Date: 6 August 2015

Code of racing: Harness

Appeal panel: Mr B Miller (chair), Mr D Kays and Mr P James.

Appearances: Driver Edward Bailey appeared on his own behalf.

Mr D Farquharson, chairman of stewards, appeared on behalf of the stewards.

Decision being appealed: Suspension of licence to drive in races for a period of three weeks – AR 163(1)(a).

Appeal result: Appeal dismissed.

Extract of proceedings – in the matter of the Centenary Classic Mercedes Benz QO Pace over 1600 metres at Albion Park on 4 July 2015. Driver: Edward Bailey

THE CHAIRMAN: On Saturday 4 July at Albion Park Racecourse, driver E. Bailey, driving Proby One, was charged with an offence under the Rules of Racing - namely Rule 163 - that a driver shall not cause or contribute to any crossing, jostling or interference. The particulars of the charge were that under that rule Mr Bailey jostled for a one-wide position on the first turn, a position that the stewards believed was rightfully Vader's, occupied by Mr Veivers, the driver of that horse.

Mr Bailey has presented evidence before this tribunal that at no point in time was Vader, the horse driven by Mr Veivers, in a position one wide, and he pointed to a number of positions on the film that identified to his view that that horse was definitely moving back to the fence or to the inside line.

The members of this panel have viewed the film and have read the transcript. We can find no basis on which we can accept the evidence put forward by Mr Bailey in respect to the issue of his travelling in a position, or saying that Mr Veivers was in a position on the rail. At all times, Mr Veivers was in a position of one wide, and when Mr Bailey identified that the horse's head was on the left-hand shoulder of Miss Weidemann, it is apparent to the members of this tribunal that in fact it was on the right-hand shoulder of Miss Weidemann.

Our view is that the jostling occurred for a period of not less than 100 metres on and approaching the home turn.

In our view, this appeal must be dismissed and that is the order. Thank you gentlemen.

Further right of appeal information: The Appellant and the Steward may appeal to the Queensland Civil and Administrative Tribunal (QCAT) within **28 days of the date of this decision**. Information in relation to appeals to QCAT may be obtained by telephone on (07) 3247 3302 or via the Internet at www.qcat.qld.gov.au