

## Appeal decision

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**Date:** 15 October 2015

**Code of racing:** Harness

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

**Appearances:** Mr S. Neaves, barrister, appeared on behalf of Mr Sanderson.  
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 4 weeks – Rule 168(1).

**Appeal result:** Dismissed.

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### **Extract of proceedings – in the matter of the Tye Brooks Pace (C6-C9) over 1780 metres at Redcliffe on 16 September 2015: Driver A. Sanderson**

THE CHAIRMAN: We have considered the representations made on behalf of both of the parties. We have taken into account the issues that you have raised, Mr Neaves, and the suggestion that Mr Sanderson was aware he thought he was in danger, and the question for us to decide is whether or not the actions that he used were sufficient or reasonable, and, frankly, we can't find that they are reasonable.

If someone interfered with the head of a horse with another part of the anatomy other than the head or the helmet and struck the horse, that would to us appear to be of a similar nature. This is something where it is not the well-being of the horse that is concerning us with this because we don't believe a horse being hit in the snout by a helmet is likely to cause animal welfare concerns, but it is going to cause danger to drivers of other horses, and, frankly, that can't happen. You can't be allowed to operate in such a manner to the disdain of other fellow drivers that are new, and particularly when one knows the weather and the circumstances were such that visibility was poor.

The issue of the penalty - and that is what we are here to consider, is something that we had difficulty with, I'll be frank. It certainly warrants not a fine; it warrants a suspension but the question is how long. The fact is Mr Sanderson has admitted he was guilty of an improper offence. It is an element of Section 168 which Mr Kays and Mr Farquharson have identified is obviously in drastic need of being redrafted and changed altogether. But that may or may not happen. But in the circumstances we are faced with someone who uses his head in a

deliberate manner that could have resulted in a significant injury or fall or otherwise. We are not going to in any way interfere with the penalty of 4 weeks imposed for something like that.

The appeal is dismissed.

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](http://www.qcat.qld.gov.au)