

Appeal decision

Date: 21 November 2013

Code of racing: Thoroughbred

Appeal panel: Judge W Carter (chair), Mr P James and Mr G Casey.

Appearances: Mr F Phillips, trainer, appeared on behalf of his apprentice jockey Luke Tarrant.
Mr M Knibbs, stipendiary steward, appeared on behalf of the stewards.

Decision being appealed: Suspension of licence to ride in races for a period of eight race meetings – AR137(a).

Appeal result: Appeal dismissed.

Extract of proceedings – in the matter of the Golden Archer (Aus) Raheen Stud/BBC Digital Class 3 Plate over 800 metres at Kilcoy on 1 November 2013. Apprentice jockey: Luke Tarrant

THE CHAIRMAN: This is an appeal by jockey Tarrant who, on 20 November 2013, at a race at the Kilcoy Race Club, was found guilty of careless riding and suspended from riding by the stewards for eight meetings.

The race in question was over 800 metres and, as the film clearly shows, there is a run to the first turn and then after negotiating the turn to the winning post. The case against jockey Tarrant was that at the turn, to which I have made reference, his horse was racing on the outside. Immediately to his inside was the horse ridden by jockey Wharton, and again to Wharton's inside there was the horse ridden by jockey Jeffries, a female rider, herself an apprentice.

The allegation which the stewards levelled against Mr Tarrant was that at or near the turn when his horse was a significant distance off the fence but on the outside of the field, he shifted ground inwards, which effectively required a response from Wharton, who similarly shifted in and interfered with the running of jockey Jeffries. Again to Jeffries' inside was the horse on the rails, which was ridden by another female jockey, Sheree Drake.

The stewards' case was based firstly on the observations of steward Knibbs, who effectively gave evidence that the interference which was caused to Miss Jeffries' mount was caused

by the movement inwards of jockey Tarrant's horse onto Wharton's horse, which, in effect, interrupted the running of the jockey immediately to the inside of Wharton, and that was the substance of the charge.

We have had the opportunity of considering all of the matters which were addressed in the stewards' room and we have had the advantage of significant submissions on behalf of the appellant, both from the jockey and from his master, and, on the other hand, from Mr Knibbs, the steward.

We have considered that material and we are of the view that the interference to Miss Jeffries' mount was not in any relevant respect caused by jockey Drake on her inside. On the contrary we are of the view that the stewards' case has substance, that case, as I have indicated, being that there was movement by Tarrant's mount onto Wharton's mount, in turn onto Miss Jeffries' mount, and that she had to take hold or stop riding her horse, and that likewise is apparent to us from the film.

Accordingly, we are of the opinion that the charge against the jockey was properly brought and that the evidence which they accepted, and which we accept, seems to us to justify clearly a finding of careless riding against the jockey.

In that respect therefore the appeal against conviction is dismissed.

The question of penalty has also been raised for our consideration. The jockey was suspended from riding for eight meetings. It is apparent that a suspension of that duration is not unusual. At the same time we are of the view that in any case of careless riding there is in the stewards a discretion as to what is an appropriate penalty.

Stewards are also entitled, as is generally known and applied elsewhere, that the record of the offender can and indeed should be taken into account for the purpose of determining what is an appropriate penalty in the case at hand. It is the fact that the appellant is a young, competent horseman, but at the same time it needs to be understood that careless riding is a significant offence and that riders indeed have to comply with the Rules of Racing, and any departure therefrom is quite properly dealt with.

Mr Tarrant's record is a somewhat troublesome one. He has been before the Review Panel, and indeed has to appear before the panel again on Tuesday next week. We think in all of the circumstances that it would have been quite easy for jockey Tarrant to avoid having his mount shift in to the extent that it did and ultimately causing the interference to Jeffries' mount.

Therefore we think that eight meetings is, in the circumstances of the case and having regard to what has transpired before, an appropriate penalty, and accordingly we would dismiss the appeal not only against conviction but against penalty. The suspension will commence at midnight on Sunday, 24 November 2013, and be for a period of eight meetings.

Thank you gentlemen for your attendance and assistance.

Further right of appeal information: The appellant and the stewards may appeal to the Queensland Civil and Administrative Tribunal (QCAT) within **14 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