

## Appeal decision

---

**Date:** 16 October 2014

**Code of racing:** Thoroughbred

---

**Appeal panel:** Mr B Miller (chair), Mr P James and Mr G Casey.

**Appearances:** Jockey Adam Best appeared on his own behalf.  
Mr J Williamson, stipendiary steward, appeared on behalf of the stewards.

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

**Appeal result:** Appeal dismissed. Penalty reduced.

---

**Extract of proceedings – in the matter of the Sporting Chance Cancer Foundation Class 2 Handicap over 1200 metres at the Sunshine Coast on 21 September 2014.**  
**Jockey: Adam Best**

THE CHAIRMAN: Jockey Adam Best was charged with an offence that occurred at or about the point of the 750-metre mark in the race at the Sunshine Coast. The horse that jockey Best was riding was travelling in a three-wide position coming to that point in the turn, and in a forward position but four-wide was a horse ridden by Natalie Summers. It is suggested that the horse ridden by Natalie Summers moved in, inconveniencing jockey Best, who in turn then was on a forward movement that he says he was unable to change, which resulted in what the stewards perceived to be some form of interference to the horse ridden by jockey Spinks, and to the horse Gold Record racing on the inside on the fence losing ground.

Those are the issues that both parties have acknowledged identify the race at that point in time. Jockey Summers, when she became aware, for whatever reason, of her crowding onto jockey Best's mount, then eased her mount – which was obvious on the films we have seen – to the outside. Jockey Tegan Harrison, who was racing forward of Natalie Summers' mount but in a three-wide position, did there, according to jockey Best, accelerate her horse, which put more pace into the race and left Astatus and Gold Record, which were racing second last and last, lagging behind.

It is obvious on the film that the mount of jockey Spinks does move its head from side to side, and also that it strikes the mount of jockey Best on more than one occasion. This obviously caused some interference, and the question to be decided was whether that was as a result of the inconvenience caused initially by jockey Summers. Our view is that jockey Summers did contribute to the incident there. But the stewards of course identified that after that point when jockey Summers eased her mount further to the outside, jockey Best

continued to race in a position which is identified as a one-off position, thereby inconveniencing jockey Spinks. This panel is not convinced that jockey Best ever got to a one-off position. He was certainly still outside jockey Spinks, but was certainly crowding that jockey to a limited degree.

Jockey Best has indicated to this panel and on the transcript that he had attempted to use his left arm to alleviate pressure, so he admitted that he was subject to pressure from the outside and was trying, in his words, to do his own or do his best to move away from jockey Spinks. The stewards of course identified that on their viewings of the film and the various areas where different views can be identified, in their opinion jockey Best did not make what they perceived or believed should have been adequate movement or have taken adequate steps to alleviate that position.

In our opinion, the stewards' perception of that issue is correct. Jockey Best seems to remain in the position somewhat outside the two-wide running, and does not when he could have perhaps with more enthusiasm and exertion tried to move his mount further off. As a result it is our belief that jockey Best is guilty of the offence of careless riding, and on that basis the appeal against the conviction is dismissed.

The board however is cognisant of issues that relate to penalties imposed on jockeys. The jockey has been visited with an eight-meeting suspension, and even on our viewing of the film, it seems obvious that jockey Summers did instigate the perception or the beginnings of the incident in question.

To that end, there should be some effective granting of leeway to jockey Best, and doing the best that this board can we believe that the penalty imposed of eight meetings is too severe. We direct that that penalty be reduced to four meetings, and the appeal against penalty be upheld on that basis.

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