

Appeal decision

Date: 24 November 2014

Code of racing: Thoroughbred

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

Appearances: Mr M Tutt, solicitor, appeared on behalf of jockey Tegan Harrison.
Mr D. Aurisch, Deputy Chairman of Stewards, appeared on behalf of the stewards.

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

Appeal result: Appeal upheld.

Extract of proceedings – in the matter of the Yalumba F&M Class 1 Handicap over 1200 metres at the Sunshine Coast on 17 October 2014. Jockey: Tegan Harrison

THE CHAIRMAN: Again we have considered the issues. We have seen the films of the horse in the various areas in which comments have been made. We have heard from you Miss Harrison as to your views, and you have been well represented by Mr Tutt.

Mr Aurisch has identified the stewards' view which, very simply, is you were not dictated to, and that whilst McMahon's mount did run in, you should have acted more appropriately in the circumstances.

We looked at the way you rode the horse. We believe that more likely than not the horse of McMahon has come from a five- wide to a three-wide position, so it has moved in. We think your horse has run away from him. Had you continued to ride with the whip we would have been comfortable in suggesting that you were guilty of the offence as charged. You didn't do that. You put your whip away, even though you only hit it once down the shoulder. And Wilkinson's mount to us did appear to have given up the ghost and was of no significance. He could have eased out earlier.

In the circumstances, we don't believe that this is a matter that is warranting of a conviction, and we uphold the appeal.

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