

Appeal decision

Hearing date: 25 November 2015

Decision date: 25 November 2015

Code of racing: Thoroughbred

Appeal panel: Mr P. Elliott (chair) and Mr R. Dickinson.

Appearances: Mr A Peel, appeared on behalf of Mr G. Bode
Mr S. Woolaston, Senior Steward, appeared on behalf of the stewards.

Decision being appealed: Disqualification for a period of three months - AR 175(q).

Appeal result: Dismissed. Penalty varied to a \$500 fine.

Extract of proceedings—in the matter of an incident which took place following the races at Ingham Racecourse on 29 August 2015: Bookmaker Mr G. Bode

THE CHAIRMAN: This is an appeal hearing in relation to the sentence that was imposed. We have considered the matter, in particular the submissions that have been raised. We have taken into account the particular nature and circumstances of what happened and in that regard we have accepted the evidence of Holden that both men were very aggressive towards each other. We note that the only injuries that were sustained were minor. There were two injuries to both persons.

As far as the deterrent aspect is concerned, we note that Mr Bode is 70 years of age. His only previous was in 2001 - some 14 years ago. We take, based on the fact that he was only reprimanded, that it was only a minor offence. So we take into account what we both consider to be his good record.

The disturbing matter is of course that two men who were licensed were involved in an altercation that was seen by members of the public. We have to mitigate that of course in the fact that the evidence is that both men were very aggressive towards each other but only one man has been charged.

Taking everything into account we consider that the sentence was manifestly excessive. We are prepared to reduce the penalty to a fine of \$500.

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