

Appeal decision

Hearing Date: 8 March 2016

Decision Date: 8 March 2016

Code of racing: Thoroughbred

Appeal panel: Mr P. James (chair), Mr G. Casey and Mr D. Kays.

Appearances: Mr N. Bell appeared on behalf of apprentice jockey S. Fawke.
M A. Reardon, Chairman of Stewards, appeared on behalf of the stewards.

Decision being appealed: Suspension of licence to ride in races for a period of 13 days
– AR137(a).

Appeal result: Dismissed.

Extract of proceedings – in the matter of the Canadian Club Benchmark 75 Handicap over 2200 metres at Doomben on 14 February 2016: Apprentice jockey S. Fawke

THE CHAIRMAN: As stated previously this is an appeal to the Racing Disciplinary Board by Sairyn Fawke held at the Doomben stewards' room on 8 March 2015. It arises out of an incident at Doomben Racecourse on Saturday, 6 February 2016 in Race 2 when Tampere, ridden by E. Wilkinson, was severely checked. Stewards issued a charge against the defendant under Rule 137(a), which reads:

“Any rider may be penalised if in the opinion of the stewards:

- (a) he is guilty of careless, reckless, improper, incompetent or foul riding.”

Stewards deemed the riding to be careless riding and the basis of the charge is that as the rider of Monaco Doll, Sairyn Fawke, that you did allow that mare to shift out under riding when not clear to do so, making contact with a tiring runner, which was Wilkinson on Tampere, which has taken that runner out onto Glen Colless's mount, Wimpole Street, which had the effect of turning both Wimpole Street in, and I guess when you made that contact, making your horse turn and

go out further. The end result was that Tampere, ridden by Wilkinson, had to be checked.

We have read the transcript and we have also read the evidence of the steward on the spot, Mr Gillard. Mr Gillard was at the 600-metre tower. He had a clear head-on, or slightly head-on but slightly lateral view of the incident. His summation was that the incident was caused by pressure from the inside.

At the hearing today, Mr Bell on behalf of Mr Fawke and Mr Fawke himself have suggested to the panel that there was movement from Grylls, who was in front of apprentice Fawke's mount. This seemed to be the main basis of the defence.

The bottom line is – and this panel so holds – that if there was any movement from Grylls it was very, very minimum in the circumstances. We consider the movement from Mr Fawke's mount was significant, and that all the pressure did come from the inside.

We have considered the severity of the penalty. We think the penalty, in all the circumstances, is within relevant grounds considering the amount of interference that we think took place, which we think was significant. We are of the opinion that the major contributor to that interference by a long way was Mr Fawke's mount.

In view of this, 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