

Appeal decision

Date: 17 September 2014

Code of racing: Harness

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

Appearances: Driver Clint Petroff appeared on his own behalf.
Mr W Barr, stipendiary steward, appeared on behalf of the stewards.

Decision being appealed: \$250 fine - AR44(1).

Appeal result: Appeal dismissed. Penalty reduced.

Extract of proceedings – in the matter of the Lunchbox Lodge Spring Spelling Pace (C5 - C8) over 1660 metres at Albion Park on 12 August 2014. Driver: Clint Petroff

THE CHAIRMAN: The tribunal has read the transcript in detail. We have also viewed the film and have heard the submissions on behalf of the appellant and the stewards and wish to thank you both for those submissions. They were indeed very well put. It is conceded that the appellant did notify the stewards of a change of tactics, albeit later than the prescribed time.

There is conjecture on the merits of the drive, given all of the circumstances of the race, particularly the barrier draw, and the known racing pattern of the horses drawn well on the front line.

Mr Petroff was adamant that obtaining the position one-out and one-back constituted a good drive. The board is not convinced that the manner in which the horse was driven contravened Rule 44(1), but it is comfortably satisfied that the timing of the notification of the proposed change in tactics was contrary to that rule. Therefore we dismiss the appeal on conviction.

However, we find that this offence was not a particularly bad case of contravention of the rule.

In all the circumstances, that leads the board to the conclusion that the offence is at the lower end of the penalty in range, and we impose a fine of \$150 in lieu of the previous fine of \$250.

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