

Appeal decision

Date: 5 February 2014

Code of racing: Thoroughbred

Appeal panel: Judge W Carter (chair), Mr P James and Mr N Thomson.

Appearances: Mr S Scriven, jockey advocate, appeared on behalf of apprentice jockey Maija Vance.

Mr C Albrecht, stipendiary steward, appeared on behalf of the stewards.

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

Appeal result: Appeal upheld.

Extract of proceedings – in the matter of the Ipswich Brothers Cricket Club Class 4 Handicap over 1100 metres at Ipswich on 17 January 2014. Apprentice jockey: Maija Vance

THE CHAIRMAN: On the 17th of January at Ipswich at the conclusion of Race 3, the stewards having inquired into an incident which occurred near the 900-metre mark charged apprentice jockey Vance with careless riding, indeed with a breach of Australian Rule 137(a).

The case for the stewards was that at the relevant point pressure came from Miss Vance's mount onto Geran's mount immediately to her inside, and that that had the effect of requiring Miss Fancourt to check and relinquish her position at that point in the race. The horse closest to the fence was ridden by apprentice jockey Schmidt. The stewards' case against Miss Vance is that at the relevant point Miss Schmidt on the inside was simply holding her position and that the pressure and the reason for Miss Fancourt having to check was that the horse on the outside ridden by the appellant had put pressure on Geran, which in turn had put pressure on Fancourt.

On behalf of Miss Vance, Mr Scriven, who appeared for her – and relying wholly on the film – submits that at the relevant point it is apparent that there is none or little contact between Miss Vance and Geran, but that the horse on the inside – Miss Schmidt's mount – was racing ungenerously and had put pressure from the inside onto the line which Fancourt was proposing to take, thereby causing her to check and lose ground.

There are some aspects of the matter which concern us. The inquiry evidence would make it clear – and that evidence is based mainly on the evidence of the steward Williamson, who was watching the incident head-on, and also from some of the other jockeys – that in fact the pressure came only from the outside. There is in that evidence no reference at all to what would appear to the members of the board to be her horse racing at least ungenerously and apparently putting pressure to the inside.

We have considered the matter and we have revisited the film. We are of the view that there is a significant element of doubt about whether or not the interference in question was caused by inward pressure from Miss Vance. It is not submitted that Schmidt on her mount was racing carelessly, but that for whatever reason it was racing ungenerously, and it is apparent to us that it is not unlikely that some pressure at least did come from that horse.

Accordingly, we think that the stewards ought to have entertained a reasonable doubt about whether it was directly as a result of Vance's movement or pressure from the outside, or whether it was a combination of other factors, and for that reason we propose to allow the appeal because of the doubt which we consider is inherent in particularly the film evidence.

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