

Appeal decision

Date: 14 August 2014

Code of racing: Thoroughbred

Appeal panel: Judge W Carter (chair), Mr P James and Mr G Casey.

Appearances: Jockey Dale Missen appeared on his own behalf.
Mr I Brown, 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 dismissed.

Extract of proceedings – in the matter of the Griffith University Benchmark 70 Handicap over 1800 metres at the Gold Coast on 2 August 2014. Jockey: Dale Missen

THE CHAIRMAN: This appeal arises out of an incident which occurred in Race 6 at the Gold Coast Turf Club's meeting, held there on Saturday 2 August 2014. The appellant, jockey Dale Missen, was at the conclusion of the inquiry charged with a breach of Rule 137(a) of the Australian Rules of Racing. As a consequence of an adverse finding against the jockey he was suspended for seven meetings.

The particulars of the case against Mr Missen were particularised by the chief steward in that the appellant did allow his horse to shift in when insufficiently clear of the horse ridden by jockey Galloway, and in turn there was pressure on inside horses, particularly that ridden by Miss Cheshire, and she also was required to check.

The case for the appellant is that rather than the pressure coming from his mount, it had come from the inside, from the horse ridden by jockey Rolls. We have had the opportunity of viewing the film in detail and hearing detailed submissions from the appellant and from the chief steward, which we find of assistance.

We are satisfied on the evidence of the observing steward, and on the evidence of the film, that the interference was caused from the appellant's horse on the outside rather than from Rolls' mount, and in those circumstances we are satisfied that, as the appellant himself observed, he could have given "him" – meaning Galloway – a bit more room at the time.

Further, the interference to Miss Cheshire's mount and her concerns about a horse immediately to her inside was caused by the appellant shifting in rather than by Rolls' mount shifting out.

We are satisfied then in accordance with the appropriate standard of proof that the appellant was rightly charged with a breach of Rule 137(a). Accordingly, we dismiss the appeal and we confirm the suspension of seven meetings, which was not contested.

The order will be that the suspension commence at midnight 19 August, and terminate at midnight 28 August 2014.

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

