

Appeal decision

Date: 1 September 2014

Code of racing: Thoroughbred

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

Appearances: Mr M Whitehurst appeared for apprentice jockey Juliet Kuskopf.
Mr S Woolaston, chairman of stewards, appeared on behalf of the stewards.

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

Appeal result: Appeal dismissed. Penalty reduced.

Extract of proceedings – in the matter of the ALSCO Maiden Handicap over 950 metres at Cairns on 9 August 2014. Apprentice jockey: Juliet Kuskopf

THE CHAIRMAN: Mr Dickinson and I have listened to the evidence. We have looked at the transcript and also the video, particularly the head-on video. We both consider that you both presented your case very well. We don't have a problem in any regard with any of the submissions that have been made. It appears that the horse that was ridden by apprentice Kuskopf, Ebony Gold, moved in only slightly, causing slight interference to the horse Wangan Express.

The movement occurred when Kuskopf's mount was not sufficiently clear of jockey Stone's mount. It is paramount that a jockey must ensure that their horses are at least two lengths clear before moving in, and for this reason we are of the opinion that the charge has been proved and we don't allow the withdrawal of the plea in the circumstances.

In respect of penalty, we have carefully considered the submissions against the severity of the penalty imposed, and whilst the aim is to have parity in sentencing when imposing penalties, the committee deals with each case on its merits and takes into account all those matters relevant, including the appellant's personal circumstances. The committee is also mindful that the safety of riders is paramount and penalties must be sufficient to deter riding which has little regard to the safety of fellow riders or for the interests of connections of horses in the race.

In this particular case, we don't consider that the second issue was of concern. We note that the appellant has been riding for three years and has ridden in excess of – has 60 winners, and apart from a short suspension two-and-a-half years ago has only had a number of reprimands since.

Although there comes a time when one would expect that the stewards would impose stronger penalties, at this stage we consider, taking everything into account, a suspension of one meeting only would be appropriate.

We would expect that the appellant would take this into account and would not consider such leniency in the future.

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