

Appeal decision

Date: 4 September 2014

Code of racing: Thoroughbred

Appeal panel: Mr B Miller (chair), Mr P James and Mr G Casey.

Appearances: Apprentice jockey Samuel Payne appeared on his own behalf.
Mr 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 two months – AR135(a).

Appeal result: Appeal dismissed.

Extract of proceedings – in the matter of the St Vincent's Private Hospital Mount Olivet Handicap over 1600 metres at Doomben on 23 August 2014. Apprentice jockey: Samuel Payne

THE CHAIRMAN: This is an appeal by Samuel Payne against a determination of the stewards against both the conviction and penalty imposed as a result of a ride at Doomben race course on Saturday 23 August when an incident occurred nearing be 1400 metres in the St Vincent's Private Hospital Mount Olivet Handicap.

The stewards alleged that Samuel Payne allowed his horse to move in and this resulted they said in the horse Hard Ticker, ridden by Colless, being checked with not having sufficient room to manoeuvre. The transcript and the evidence presented before us identified that there was without any doubt a movement by Samuel Payne on his horse that resulted in Ric McMahon's horse being cramped slightly for room.

Of some significance was the issue raised by Samuel Payne and by the stewards, and accepted by them, that Tegan Harrison may well have been a contributing factor to the incident in question because of the manner in which her horse, which raced one off the fence, moved out and at one point in time, to the evidence of the film, turned slightly sideways. This, Mr Payne believes, was the significant feature that caused the interference to Colless's mount.

We have had the opportunity of considering the evidence presented to us today, and more importantly we have had the opportunity of viewing the film and a number of different views thereof.

We have come to the unanimous conclusion that there is no doubt that the ride by Samuel Payne was the major factor in the causative issue to Colless's mount. We accept that the mount ridden by Tegan Harrison did turn sideways, but if one views the films closely, that movement, if it did contribute, occurred after the interference was occasioned, or was started, as one might say, by the ride by Samuel Payne.

In the circumstances, we are of the opinion this appeal does not have merit in respect to conviction and we dismiss it in that respect.

There is an appeal also on the issue of the penalty that was imposed, and whilst Mr Payne did not address us on whether or not the penalty was severe, we have considered the issues and noticed and noted that the stewards in fact gave some significant dispensation to Mr Payne for what they perceived to be some contributing factor by Tegan Harrison.

We were frankly surprised at the leniency afforded by the stewards, but we would not intend to interfere in that respect and, in the circumstances, we dismiss the appeal also in respect of penalty.

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