

Appeal decision

Date: 5 February 2015

Code of racing: Thoroughbred

Appeal panel: Mr B Miller (chair), Mr G Casey and Mr D Kays.

Appearances: Trackwork rider Shannon Fogg appeared on his own behalf.

Mr W. Birch, general manager, Stewards and Integrity Operations, appeared on behalf of Racing Queensland.

Decision being appealed: Refusal by Racing Queensland to grant a trackwork rider's licence.

Appeal result: Appeal dismissed.

Extract of proceedings – in the matter of the refusal by Racing Queensland to grant a trackwork rider's licence to Shannon Fogg

THE CHAIRMAN: The board has considered this application to appeal as it were against the determination of Racing Queensland. We have listened to what you have had to say. We have taken on board the fact that your offence for the drug taking was in 2013 and that your offences in respect to the assaults occurred in March and June 2014. It is those more recent offences that have concerned Racing Queensland and this board, I must say.

We have listened to Mr Birch's approach on behalf of Racing Queensland, and the view that they expressed was quite simple, namely that they believed you have been too quick off the blocks, as it were, to make an application to be licensed in Queensland under their policies and procedures. This board has to agree with that submission by Racing Queensland because of the fact that June 2014 is something of six or seven months only.

Our view is that you should be relicensed, but you can only be relicensed if you have been able to provide to Racing Queensland proof that you are going to be a person of integrity and reputation and of a good disposition with respect to the industry. If you were to remain a person in that respect for the next six months I have no doubt - and the members of this board agree with me - that you would then be successful in any application that you would make.

However, you must understand that Racing Queensland are not the police. They can't be expected to simply monitor every aspect of work that you undertake. So that is a matter for

you to determine. What we have to say is that we are obliged under the evidence that has been put before us to dismiss your appeal, but we would make a strong recommendation that were you to apply in six months' time with evidence of good character and of no reoffending then one would hope that this board would be capable of being advised by Racing Queensland that they would relicense you.

That is the determination of the board.

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