

## Appeal decision

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**Hearing Date:** 4 August 2015

**Decision Date:** 4 August 2015

**Code of racing:** Thoroughbred

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**Appeal panel:** Mr B Miller (chair), Mr D Kays and Mr P James

**Appearances:** Mr P Turner appeared on his own behalf.  
Mr L Collins, stipendiary steward, appeared on behalf of the stewards

**Decision being appealed:** \$500 fine, suspended for 12 months conditional upon not being found guilty of a charge under AR175(q) within that time.

**Appeal result:** Dismissed.

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The Board has considered the matter. We have read, as we have said earlier, the transcript and the submissions and we have listened carefully to what Mr Collins has had to say, and so far as Mr Turner's submissions are concerned, we wish to address those issues now.

The first submission being that the findings against him should be overturned on the ground that there had been a denial of natural justice in the proceedings. In all of the evidence before this Board, we are of the opinion that Mr Turner has been provided with all the relevant terms that comply with the rules of natural justice. He was given the opportunity to provide evidence and to adduce evidence at the relevant hearing or subsequently and he did not take advantage of doing so.

What I might add, which is of some concern to the Board, is that Mr Roberts is an integral part of this altercation. He was present at the time. He was not asked to intervene at that time nor was he asked to present himself to give evidence before the stewards, and we find that most unusual but that is something that Mr Turner and Mr Turnbull both had an opportunity of doing and they elected not to do so.

The findings that Mr Turner raised or says are against him such that the penalty should be no more than a reprimand is something that we have considered. We believe certainly that the circumstances that have led to this altercation seem to emanate from a longstanding and personal dispute over issues, all of which have little relevance to the charge at present.

Mr Collins, for the stewards, has identified that this is a charge arising out of incidents that occurred on the day in question at the bookmakers' stand. The three parties present were Mr Turner, Mr Turnbull and Mr Roberts, and evidence was given by both Mr Turnbull and Mr Turner to the stewards at the inquiry. It is the evidence given by Mr Turner at that inquiry that has identified that he in the presence of others used some unseemly profanity on two separate occasions, which he admitted. The question is: is that worthy only of a reprimand or is it worthy of something more significant? In the opinion of this Board it is worthy of something more significant, however this Board does not propose to impose any further penalty that has been already levelled against him.

We believe in fact that the penalty of \$500, which has been suspended for a period of 12 months, is, in all the circumstances, lenient. If this Board were determining the matter afresh and had Mr Turnbull and Mr Turner present before them they would have suggested a suspension of licence for a short period of time to allow matters to calm down. We believe that the stewards have acted appropriately and, in all of the circumstances, we dismiss the appeal.

Further right of appeal information: The Appellant and the Steward may appeal to the Queensland Civil and Administrative Tribunal (QCAT) within **28 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](http://www.qcat.qld.gov.au)