

## Appeal decision

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**Date:** 24 July 2014

**Code of racing:** Harness

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**Appeal panel:** Judge W Carter (chair), Mr D Kays and Mr P James.

**Appearances:** Driver Shane Graham appeared on his own behalf.  
Mr D Farquharson, chairman of stewards, appeared on behalf of the stewards.

**Decision being appealed:** Suspension of licence to drive in races for a period of two weeks – AR165.

**Appeal result:** Appeal dismissed.

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### **Extract of proceedings – in the matter of the Centenary Classic Mercedes Benz Open Pace over 2138 metres at Albion Park 12 July 2014. Driver: Shane Graham**

THE CHAIRMAN: This appeal by Mr Graham arises out of any incident which occurred in Race 7 at Albion Park on 12 July 2014. After inquiry the stewards charged Mr Graham with a breach of Rule 165 of the Harness Racing Rules. That well-known rule requires that when entering into the first turn that there is a need to maintain a 30-centimetre distance between wheels and one metre clear of the extended front legs of the horse racing in the position closest to the pegs.

In this instance, Mr Graham was drawn wide on the front row, and Mr Dixon drawn on the inside, and shortly after the start and when entering the first turn Mr Graham then obviously drove his horse down towards the inside running line. It was at that instance that Mr Dixon took hold of his horse and dislodged one of the inside line running pegs. It seems to be common knowledge that the horse that Mr Dixon was driving is inclined to race fiercely. The stewards were aware of that as was Mr Graham.

Having read the transcript and having had the opportunity now of watching the race on the film, we are of the view that when the incident happened, Mr Graham's drive had insufficient clearance as prescribed by that rule, and in that sense we are satisfied that he was in breach of it. We are conscious of the fact that Mr Dixon's horse did incline to race fiercely, but that is simply a characteristic or likely characteristic of any horse in a race and that factor has to be taken into account. The rule is designed to ensure sufficient clearance so that there can be safety to both horse and driver.

We think in these circumstances the stewards were correct in their assessment in finding Mr Graham guilty of the offence.

The usual penalty which we see in matters such as this are periods of three to four weeks suspension. In this case the period of suspension was two weeks. The stewards gave that discount on the basis that Mr Graham has a good driving record and is a well sought after driver, and given the number of drives that he has he has maintained generally a good driving record and this instance was simply one departure from that.

We think the matter was properly dealt with by recognising the need for a discount and that period of two weeks, in our view, is not excessive. Accordingly the appeal is dismissed.

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](http://www.qcat.qld.gov.au)