

Appeal decision

Hearing Date: 9 June 2016

Decision Date: 9 June 2016

Code of racing: Harness

Appeal panel: Mr P. James (chair) and Mr D. Kays.

Appearances: Mr P. Hill, appeared on behalf of Mr S. Miller
Mr S. Shinn, stipendiary steward, appeared on behalf of the stewards.

Decision being appealed: \$400 fine – HRR 238.

Appeal result: Dismissed.

Extract of proceedings – in the matter of an incident which occurred in the race day stalls following the meeting at Albion Park on Saturday, 30 April 2016: Stablehand S. Miller

THE CHAIRMAN: This is an appeal to the Racing Disciplinary Board in respect of a breach by Mr Scott Miller of Rule 238 of the Harness Racing Rules. Mr Miller was convicted in relation to this matter. The particulars of that charge appear in the transcript at page 5, whereby Mr Miller was charged with:

“A person shall not fail to comply with an order, direction or requirement of the controlling body or the stewards relating to harness racing or the harness racing industry.”

The particulars of the charge, in this case as trainer on the record, Miss Price, wasn't proceeded with, along with you, Mr Miller, who has taken responsibility for this, the charge was issued against each of you individually. Again I say the charge against Miss Price was not proceeded with. Although we're hearing this together. “The details of the charge are that on 30 April 2016, against a directive of the stewards, Shannon Price” – which wasn't proceeded with – “or representatives of her stable, including you, Mr Miller, who admits to this, have brought on course a bucket along with a plastic container of molasses, which is strictly against the directive of Racing Queensland.”

Now, the stewards after hearing the matter found Mr Miller guilty and imposed a fine of \$400.

Initially the appeal by Mr Miller was in relation to both conviction and penalty, and it appeared from the comments made by Mr Hill that the reason for this was that both Mr Miller and others believed that the stewards directive, or policy of Racing Queensland, was wrong in law. That seemed to be the main reason for the appeal against conviction.

After hearing submissions in regards to a possible change of plea from both the stewards and also Mr Hill, on behalf of Mr Miller, Mr Hill did not proceed by way of a change of plea.

In relation to that matter, without going into it in great detail, it is the opinion of this Board that those matters should be properly taken up with Racing Queensland. It appears from the material that Mr Hill has with him today that he considers there are considerable welfare matters that may need to be addressed in that regard. Those submissions would rightfully have to be made to Racing Queensland and not to this particular Board.

Concerning the question of penalty, in all the circumstances we do not intend to vary from the stewards' penalty in that regard after hearing submissions from both parties. So the penalty of \$400 will stand.

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