

Appeal decision

Date: 21 July 2014

Code of racing: Thoroughbred

Appeal panel: Judge W Carter (chair) and Mr P James.

Appearances: Jockey Ron Goltz appeared on his own behalf.
Mr R Hitchener, stipendiary steward, appeared on behalf of the stewards.

Decision being appealed: Suspension of licence to ride in races for a period of six race meetings – AR137(a).

Appeal result: Appeal dismissed.

Extract of proceedings – in the matter of the Functions @ TTC QTIS 3yo Maiden Plate over 1100 metres at Toowoomba on 12 July 2014. Jockey: Ron Goltz

THE CHAIRMAN: This appeal by jockey Goltz arises out of an incident which occurred in Race 5 at the Toowoomba Turf Club meeting on Saturday, 12 July 2014. There was obviously an incident whereby jockey Orman, the rider of Lucky Ducky, had to severely check his mount. It will be easier to understand if I refer to the names of the jockeys rather than to the names of the horses. It is absolutely clear, not only from the transcript of evidence, but also from the film that Orman's horse was severely checked and at the relevant point he was racing on the fence.

Immediately to his outside was apprentice jockey Schmidt, immediately to her outside was jockey Goltz, and to his outside was apprentice jockey McGillvray.

As I say, the fact of the interference is clear. The question is whether jockey Goltz was properly found guilty as having been the causative factor in relation to that interference. Before the stewards, the stewards when questioning apprentice Schmidt, she responded by saying that horses were improving to her outside and, to use her language, "My horse just got flattened." Later she was asked, "Did you receive pressure from the outside", and she said, "Yes".

In the course of the stewards' inquiry and after jockey Goltz was charged with causing interference, he was clearly of the view that the interference had taken place to his inside and that that interference had been caused by Schmidt. In respect of McGillvray, jockey Goltz when asked, "Do you feel you had any pressure to the runner to your outside at all at that stage of the race", and he replied, "I was getting away a little bit from Matty McGillvray's horse, but, as I said, I don't believe I was receiving pressure from him."

We are clearly of the view that during the course of the inquiry it is clear that jockey Goltz – a very experienced and competent jockey – was inclined to the view that whilst it was not he

who caused interference further to the inside, that that interference was caused by Schmidt, and also that McGillvray, racing to his outside, had not put any pressure on him – that is, Goltz's mount.

Before this board, the case made by jockey Goltz is that it was not Schmidt who was the cause of the incident but rather that it was McGillvray to his outside. We find that somewhat surprising, and having considered that matter, and having considered the transcript of evidence, there is nothing that we have seen or heard which causes us to disagree with Schmidt's account of the event, and we see nothing in the transcript or in the film which in any way interferes with that point of view, and we are supported by the film in saying that the interference was caused when the appellant, jockey Goltz's mount, put pressure on Schmidt's mount, who in turn interfered with Orman on the fence.

We are of the view therefore that jockey Goltz was properly charged with the offence and properly found guilty, and we are further of the opinion that a penalty of six meetings is not unreasonable. 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