

## Appeal decision

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**Date:** 30 March 2015

**Code of racing:** Thoroughbred

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**Appeal panel:** Mr B. Miller (chair), Mr P. James and Mr G. Casey.

**Appearances:** Mr M. Tutt, solicitor, appeared on behalf of jockey E. Lung.  
Miss G. Dimsey, stipendiary steward, appeared on behalf of the stewards.

**Decision being appealed:** Suspension of licence to ride in races for a period covered by 8 meetings - AR137(a).

**Appeal result:** Dismissed. Penalty varied.

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### **Extract of proceedings— in the matter of the Carlton Mid Class 2 Handicap over 1200 metres at Kilcoy on 26 February 2014. Apprentice jockey: Emma Ljung**

THE CHAIRMAN: We have considered the evidence in the transcript and we have considered the views expressed by Mr Tutt for the appellant and Miss Dimsey on behalf of Racing Queensland and the stewards.

We must say at the outset that the incident in question at first viewing, certainly to my mind, was indicative of little interference. On closer examination there is no doubt what Miss Dimsey says is correct. Jockey McGillivray did take hold and was inconvenienced. The question then was whether or not the ride by Miss Ljung was such that it was the dictating feature.

Mr Tutt has quite correctly pointed out that the track circumference and the track dimensions at Kilcoy are tight. He has provided us with an outline of submissions which show the 1200 metre start and what would obviously be a fairly accurate diagram of the track at the point in time near the 1000 metre mark where the incident is alleged to have happened.

We are of the belief that the track did play some part in that, however Miss Ljung is a jockey—albeit of limited experience—who is expected to take significant notice of other riders in and near her vicinity and to take proper and appropriate care.

We don't believe she did take that appropriate care at this point in time and, in the circumstances, in respect to the conviction we dismiss the appeal.

In respect to the question of penalty, we accept what Mr Tutt says, that the interference was such that it was only of a minimal nature, and Miss Dimsey seems to agree as does the decision of the stewards on the day in question.

It is not for this Board to ordinarily interfere with the imposition of penalties, particularly those of limited amounts such as 6, 7 or 8 meetings, but we are mindful that Miss Ljung was inexperienced. She thought she was outside the horses that she was subsequently found guilty of interfering with, and in view of that we are of the mind to reduce the penalty to 6 meetings, and that is the order of this 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](http://www.qcat.qld.gov.au)