

Appeal decision

Hearing date: 9 September 2015

Decision date: 9 September 2015

Code of racing: Thoroughbred

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

Appearances: Mr N. Byrne appeared on behalf of apprentice jockey I. Rabjones.
Mr P. Gillard, stipendiary steward, appeared on behalf of the stewards.

Decision being appealed: Suspension of licence to ride in races for a period of covered by two non-TAB meetings – AR137(a).

Appeal result: Dismissed. Penalty varied to a reprimand.

Extract of proceedings—in the matter of the CQ Saddlery BenchMark 65 Handicap over 1000 metres at Emerald on 15 August 2015: Apprentice Jockey I. Rabjones.

THE CHAIRMAN: At the outset the Board wants to place on record the fact that the calibre of the film presented both here and at the initial inquiry is obviously lacking. It is extremely difficult for any party, be they stewards or members of the panel of a disciplinary board, to identify accurately exactly what did happen. We have listened closely to the evidence of Mr Gillard on behalf of the stewards, but again Mr Gillard was not there. He is relying purely on what has been transcribed in the evidence.

Mr Byrne, who represents Miss Rabjones has been quite vocal in his defence, and quite rightly he raised issues whereby he alleges jockey Dale Evans on the inside has in some way or other contributed. Even looking at the film it can be seen on the shot that is before us there that Evans' horse's head is to the left. That seems to have been occasioned after interference, and there was interference as can be seen. The question is: was it solely caused by Miss Rabjones? There is no doubt that Miss Rabjones did come from an outside alley and she progressed across and it can be seen as an afterthought that she then, when notified presumably by the yells of jockeys inside her, was able to extricate her horse, pull it to the left and come away from the other horses.

In our opinion, however, the difficulties can't be visited solely upon her. We don't accept that Evans was blameless. We believe what Mr Byrne has said is more likely the situation. But of more significance is what Miss Morrison has to say. Miss Morrison made it quite plain in the transcript - and I will read, if I may, page six where she says:

“I think from the video you can see more of a shift from Dale's horse. I mean he is a good one-and-a-half off the fence, and I think you can see more of a shift from his horse than from apprentice Rabjones's horse. Obviously the film quality isn't the best, but that's how I interpreted it. I think no doubt the horse - her horse is definitely hanging in” - that is Miss Rabjones' horse - “and she is doing her best to keep it out...”

That is the opinion also of this Board. We do believe that Miss Rabjones is guilty of failing to exercise due care and attention and she was careless, but the fact of the matter that will lead this decision to remain, that is the conviction stands, but for a young apprentice who has had what appears to have been a clean record one cannot envisage why a penalty was imposed of a two-meeting nature. In our view, it should have been a reprimand at worst, and we substitute a reprimand as the penalty.

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