

## Appeal decision

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**Hearing date:** 14 October 2015

**Decision date:** 14 October 2015

**Code of racing:** Thoroughbred

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**Appeal panel:** Mr B. Miller, Mr P. James and Mr D. Kays.

**Appearances:** Mr T. McMahon appeared on behalf of Jockey A. Lawrence. Mr C. Albrecht, stipendiary steward, appeared on behalf of the stewards.

**Decision being appealed:** Suspension of licence to ride in races for a period commencing midnight, 19 September and to expire at midnight, 2 October 2015 – AR137(a).

**Appeal result:** Dismissed. Penalty varied to a 1 meeting suspension.

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### **Extract of proceedings—in the matter of the Tooheys New Class 1 Handicap over 1200 metres at Yeppoon on 10 September 2015: Jockey A. Lawrence**

THE CHAIRMAN: We have considered the matter and we are of the opinion that the contributing factors to interference suffered by jockey O'Hara were certainly the actions of jockey Vuille and jockey Lawrence. The issues that concerned us were the suggestions that jockey O'Hara lost two lengths in her evidence, and it is quite patent from the video evidence that we have seen that she did not so lose those two lengths. She certainly suffered some interference and she was caused some inconvenience, but it was more an inconvenience than anything else. Jockey Vuille, on the other hand, seems intent on making certain that she is going to attain the lead, and whilst she did not dictate to jockey Lawrence, it is apparent from the video that he was taken by surprise at the speed with which she rode across towards him.

Having said that, jockey Lawrence indicated that he did not know that jockey O'Hara was to his inside, and we find that almost impossible to accept. Jockey Lawrence started it would appear from barrier four, which is, in effect, three out, and immediately to his inside was the horse ridden by jockey O'Hara. He came from behind jockey O'Hara's horse, went past it and was then inconvenienced or challenged, as one might say, by jockey Vuille. It is a difficult matter. It is not something that we consider is interference in the mid-to-high range as suggested by Mr Albrecht. Our view is that there was interference. Some level of blame

can be attributed to jockey Lawrence, and on that basis we dismiss the appeal against the conviction.

So far as penalty is concerned, from the comments that have been made by me in this decision already it is apparent that this Board is of the view that there were significant contributing factors. Those contributing factors, and the level of interference that we witnessed that jockey O'Hara suffered, does not, in our opinion, warrant an imposition of three meetings.

It is difficult to identify what is appropriate, but based on how we see the level of interference as being low, we don't believe that a reprimand will be appropriate, but a minimal penalty of one meeting is imposed in substitution.

We will let the stewards and Mr McMahon and Mr Lawrence work out when that will be served. The matter is now adjourned. Thank you, gentlemen.

(Agreed between appellant and respondent that the one meeting suspension be the Rockhampton meeting on Thursday, 22 October)

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