

Appeal decision

Hearing Date: 8 March 2016

Decision Date: 8 March 2016

Code of racing: Thoroughbred

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

Appearances: Jockey R. Fradd appeared on his own behalf.
Mr A. Reardon, Chairman of Stewards, appeared on behalf of the stewards.

Decision being appealed: Suspension of licence to ride in races for a period of 12 days AR137(a).

Appeal result: Dismissed. Penalty varied to suspension of licence for 9 days.

Extract of proceedings – in the matter of the Kia-Ora Tanawha Developments Maiden Handicap over 1600 metres at Doomben on 14 February 2016: Jockey R. Fradd

THE CHAIRMAN: This is an appeal by jockey Fradd to the Racing Disciplinary Board concerning a ride on 14 February 2016 at the Sunshine Coast Turf Club and a charge under Rule 137(a) - careless riding - whereby Mr Fradd's licence was suspended for a period of 13 days. The particulars of the charge, referred to on page 60 of the transcript, line 11:

“The carelessness being that you, as the rider of Cash Leakage, did ride in a careless manner in that when following Tahitian Flyer, you elected to shift out to shift around that horse's heels and this resulted in tightening to Wulfies Lady, ridden by Glen Colless, causing jockey Colless to check that horse, and furthermore you continued to shift out, making heavy contact with Andrew Spinks' mount, King Archer, causing that horse to become unbalanced.”

We have had the advantage of reading the transcript and also listening to the submissions by both Mr Fradd and Mr Alan Reardon, for the stewards. A matter I will mention is that it appeared at one stage that Mr Fradd may be changing his

plea to a plea of not guilty, however he did not, and he only contested the seriousness of the charge. It appears to the panel that Mr Colless's horse was definitely inconvenienced and lost its running when Mr Fradd pulled out. There was a level of carelessness there as we have found. It was towards the middle of the range. We are mindful of submissions at the time and also a statement by the Chairman of Stewards on the transcript, page 8, line 20:

“Mr Fradd, we have looked at the incident and the circumstances and your actions. We are of the view that probably in normal circumstances it would be a 13 day penalty. Middle of the range on probably both the interference in the carelessness. But given your record and your guilty plea, we are of the view that it shouldn't attract a penalty that warrants 2 Saturdays, because that is what we would be looking at if you did 13 days – starting on the Sunday night” – etcetera.

The decision of this panel is that Mr Fradd's licence be suspended for a period of 9 days, and that it expires at midnight on the Friday after the first Saturday of the suspension. So, in other words, it is not to be for two Saturdays. If it was to start from today, it would expire at midnight on Friday, the 18th, however if you have any accepted rides and want to start it at a later date it would expire at midnight after you have been suspended for one Saturday, and that is in line with certain reasoning. We are also mindful of the guilty plea.

We would also like to commend you on the way you conducted yourself both before the panel here and also before the stewards. You are to be commended on that. We see a lot of people that come before these tribunals who do not conduct themselves with the professionalism that you have displayed.

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