

Appeal decision

Hearing Date: 28 June 2016

Decision Date: 28 June 2016

Code of racing: Thoroughbred

Appeal panel: Mr B. Miller (chair), Mr P. James and Mr D. Kays

Appearances: Apprentice S. Fawke 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 13 days
AR137(a)

Appeal result: Upheld. Penalty varied to suspension of licence for 10 days

We have considered the matter and we have also viewed the incident. The appeal is against penalty only and, interestingly, whilst Mr Reardon has identified that it is extremely careless or gross carelessness and grossly negligent riding, the stewards on the day identified that it was in the mid-range. Having said that, we believe that the interference was caused primarily by Sairyn Fawke. It may well be that Sarah Eilbeck did panic slightly, but she was within two lengths of the rear and the movement was such as to contribute and to interfere with her mount. She took evasive action which resulted in the other horses being inconvenienced. Because of the stewards' observations at the time, rather than just on the day of the appeal, we believe that 13 days is, in the circumstances, too high. We allow the appeal and impose a penalty of 10 days.

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