

Appeal decision

Date: 16 October 2013

Code of racing: Thoroughbred

Appeal panel: Mr P Elliott (chair).

Appearances: Jockey Mark Elliott appeared on his own behalf.
Mr R Hitchener, stipendiary steward, appeared on behalf of the stewards.

Decision being appealed: Suspension of jockey Mark Elliott's licence to ride in races for two race meetings – AR135(a).

Appeal result: Appeal dismissed.

Extract of proceedings – in the matter of the Jim Swift Class 4 Handicap over 1000 metres at Townsville on 24 September 2013. Jockey: Mark Elliott

THE CHAIRMAN: I have considered the matters. Jockey Elliott has raised issues that he was not present when the inquiry started. I have read the transcript, which is Exhibit 1, and find that he was not disadvantaged.

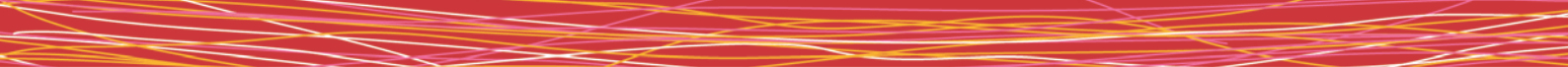
Jockey Elliott contends that he shifted in and in so doing he may not have been two lengths clear. I have listened carefully to his evidence, and I find his evidence to be truthful. I find he has not attempted to cloud any of the issues. I note he is a senior jockey.

His evidence is that when the manoeuvre occurred it wasn't the shifting in of his horse which caused Eureka Dubai to be taken in on to the running of Boom Sha La, but rather the action of jockey D'Avila as the jockey of Eureka Dubai, which action is not related to the movement of his mount, Outback Elsa. I refer then to Exhibit 1, page 11, lines 17 to 20, and 44 to 46.

On viewing the DVD, which is Exhibit 2, I believe that jockey D'Avila may have contributed to the interference and that other jockeys may not have ridden a perfect race. Notwithstanding this, I believe that there is an overriding responsibility on a leading jockey to ensure that his mount is two lengths clear before crossing, and jockey Mark Elliott didn't do this. I note that the two lengths rule is a standard requirement to ensure the safety of all riders and all horses. It has in the past been referred to as the golden rule when shifting ground.

I consider the consequences of the manoeuvre by jockey Elliott may not have been significant but is sufficient to substantiate the charge.

I am of the view that the charge is substantiated and the appeal against conviction should be dismissed.



When considering the penalty in the matter, I note the suspension is for two meetings, and I consider that penalty to be very moderate. I consider that the stewards have properly considered all relevant matters in determining the penalty, including the nature and circumstances of the offence, the degree of interference, and the fact that any penalty has to serve as a deterrent effect to other jockeys.

I do take into account particularly what has been stated today, and that is that you are considered not only a good jockey but you have a good riding history.

In all the circumstances I find that a penalty of two meetings is not excessive and I dismiss the appeal as to the severity of the sentence. That penalty will commence immediately.

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

