

## Appeal decision

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**Date:** 16 January 2014

**Code of racing:** Thoroughbred

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

**Appearances:** Jockey Jackson Morris appeared on his own behalf.

Mr I Brown, stipendiary steward, appeared on behalf of the stipendiary stewards.

**Decision being appealed:** Suspension of licence to ride in races for a period of four weeks – AR143(b).

**Appeal result:** Appeal dismissed.

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### **Extract of proceedings – in the matter of the QTIS 3-y-o Handicap over 1100 metres at Beaudesert on 28 December 2013. Jockey: Jackson Morris**

THE CHAIRMAN: The tribunal has considered the matters raised, particularly by Mr Morris, the appellant in this matter, and we note that the evidence he has given both to the stewards and this tribunal, centres entirely upon the belief that he weighed out at 60 kilograms and was accredited with that weight prior to the race commencing. He handled all of the equipment and gave that to the trainer, who saddled the horse, and thereafter he completed the ride on the horse under some duress, and then when returning to the scales he weighed in at a weight significantly below that which he was supposed to.

There is no explanation given other than Mr Morris had drunk a number of glasses of water to facilitate reaching the 60 kilograms in weight, and he can explain nothing other than he had a significant heat reaction. He sweated very badly and drained, he said, significant weight from his body to achieve the reading that was represented on the scales on weighing in.

The position to that can well be attributed to some portion of heat, however, in circumstances where that is appropriate the stewards allow half a kilogram as a leeway weight to facilitate a jockey weighing in light in circumstances such as this. Notwithstanding that facilitation of one half kilogram, Mr Morris still failed to meet the required deadline.

The issues are whether or not there is a possible explanation other than sweat, and one cannot be afforded and one cannot be identified in regard to the evidence on the transcript and given to us here.

The offence is against Rule 143, which I think Mr Morris has already conceded is a rule of strict liability and as such there is no prospect of this tribunal being in a position to upset the finding of stewards as to the failure of Mr Morris to comply with Rule 143. As a result, the appeal against conviction remains and stays and his appeal is dismissed in that respect.

The issue of the penalty imposed is of some significance. Mr Morris claims that a period of four weeks is excessive for circumstances where what he did was nothing out of the ordinary. His explanation is that he sweated profusely during the race and subsequently and as a result it was that sweating that resulted in his failure to meet the requisite weight.

Having said that, one has to look at what precedents have been imposed by stewards in previous issues, and the two that have been imposed, both for weighing in light, identified a penalty imposition of a suspension of the licence for a period of one month.

This tribunal does not believe that there is any basis or reason that it should consider a reduction in that penalty and, in the circumstances, endorses the penalty imposed by the stewards and the appeal in respect to penalty is also dismissed.

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