

Appeal decision

Date: 17 March 2015

Code of racing: Thoroughbred

Appeal panel: Mr B. Miller (chair), Mr P. James and Mr G. Casey.

Appearances: Mr M. Tutt, solicitor, appeared on behalf of Jockey B. El-Issa.
Mr I. Brown, stipendiary steward, appeared on behalf of the stewards.

Decision being appealed: Suspension of licence to ride in races for a period covered by 8 meetings - AR137(a)

Appeal result: Dismissed. Penalty varied.

Extract of proceedings—in the matter of the 3yo Class 2 Handicap over 1300 metres at the Gold Coast on 31 January 2015. Jockey: Bobby El-Issa

THE CHAIRMAN: We have considered the matter and discussed the issues that Mr Brown and Mr Tutt has presented to us. There is no doubt in our opinion that the interference was caused by jockey El-Issa. We don't believe that jockey Masuda had any bearing on the end result. What happened is, on our viewing the film, that jockey El-Issa did stop riding with the whip. He was intent on seeking the winning post.

He looks to have run second in the race, and jockey Treichel, who was on the horse that was steadied, effectively identified himself, that the interference was not severe, and steward Brown was quite right in suggesting that the level of interference was not severe. Ordinarily there may perhaps have been some possibility for stewards imposing a reprimand. It is however not our duty to do so in circumstances where the record of jockey El-Issa is so bad.

We accept that 8 meetings is a significant penalty, and we are prepared to reduce the penalty from 8 meetings, to 6 meetings, but we should say that it is highly unlikely that the stewards, in the future, will take the same latitude that this Board has taken with jockey El-Issa, and it is a matter for him to identify in the future that he should bear in mind his capacity and his ability to ride so that he is able to take more care.

We think mainly that he has done a particularly good job in resurrecting a career that at one stage seemed headed for oblivion, and he seems to be intent on making this his goal and one would hope that that is the position for his future.

The appeal is allowed in respect only to the question of penalty and the penalty imposed is 6 meetings suspension.

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