

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 9 meetings - AR137(a)

Appeal result: Dismissed.

**Extract of proceedings— in the matter of the Surfers Paradise RSL Colts & Geldings Entires Maiden Handicap over 1300 metres at the Gold Coast on 7 February 2015.
Jockey: Bobby El-Issa**

THE CHAIRMAN: The evidence before the Board is fairly plain. Mr Tutt identifies that the incident was contributed to by 2 other jockeys— Masuda in the blue who came across from the outside alley, and Morris on the rails in what we can see is the red colours. In between those 2 horses, there is jockey El-Issa, who is closest to Masuda, and who himself has come across, and jockey Allen, who was subject of the interference when he was squeezed between jockey El-Issa's mount and that of Morris's mount.

Mr Tutt has identified that there is a move from jockey Morris that would have contributed to the interference, and that jockey Masuda had in effect dictated to jockey El-Issa in his movements in coming across, and identifying that he was going to take up the running.

We have had the benefit of looking at the film, both head-on and the lateral shots. We have also been able to compare all of the films across a broad spectrum to identify exactly where jockey Masuda is. This Board is of the opinion that jockey Masuda was coming across at a fairly sharp angle but at no point in time did he, in the opinion of this Board, dictate to jockey El-Issa.

Our view in fact is that jockey El-Issa when he jumped was intent on positioning his mount as close to the rail as possible. His horse's head was moved slightly towards the running rail. He was moving across and he continued to do so, and even allowing for some slight

movement by jockey Morris, it is this Board's view that the interference was caused by jockey El-Issa and not by anyone else.

In the circumstances we dismiss the appeal as to conviction.

We have looked at the issue in respect to penalty. We do not believe there is anything that would warrant our interference with the penalty imposed, predominantly because of the history of jockey El-Issa's record, and also because of his intent, as it were, to take up the running and continue forward. He has to take the responsibility for ensuring that jockey Allen is riding in a safe manner and is not subjected to any interference. In this instance he was and the interference was caused by jockey El-Issa.

The appeal is 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