

Appeal decision

Date: 11 September 2015

Code of racing: Thoroughbred.

Appeal panel: Mr P. Elliott.

Appearances: Mr H. Walters, solicitor, appeared on behalf of apprentice jockey K. Aho.
Mr S. Woolaston, senior stipendiary steward, appeared on behalf of the stewards.

Decision being appealed: Suspension of licence to ride in races for a period covered by 6 weeks – AR135(b)

Appeal result: Dismissed.

Extract of proceedings – in the matter of the Hot FM Class 1 Handicap over 1800 Metres at Mackay on 3 September 2015: Apprentice Jockey K. Aho.

THE CHAIRMAN: Gentlemen, I have considered the matter. It is not disputed that the horse in the race is one that is difficult to control. This is evident from the video evidence - Exhibit 2 - and also the videos of the 2 subsequent races - Exhibit 5.

In considering the evidence I do not take into account adverse comments made by the trainer Manzelmann or the apprentice advocate Tanti. I note that the stewards have queried a number of aspects of the ride.

I have considered all of the evidence and the submissions made. The main problem I pose is: would a prudent and suitably qualified jockey allow a horse to run 3 wide with no cover for a considerable distance in a slowly run race. The submission by counsel for the appellant is that the jockey, knowing the horse had a control problem, was unsure what the horse would do if allowed to stride forward and for this reason did not go forward. In this regard I refer to the transcript of the stewards' inquiry, page 4, lines 10 to 22:

“THE CHAIRMAN: Because as it turns out, apprentice Aho, don't you find yourself three wide throughout, no cover?”

APP. AHO: Yes.

THE CHAIRMAN: And the horse is pulling its head off. That is the case. Surely at some stage when you are in the three wide position, no cover, in an

1800 metre race, the horse is pulling, surely at some stage there must have been something going through your head to let this horse stride forward, get to the fence and cover as little ground as possible. Did that ever cross your mind?

APP. AHO: Unfortunately, no, it didn't."

As I see it, not only was the horse travelling slowly but it was also for a considerable distance under restraint. For this reason I am of the opinion that the failure to allow the horse to go forward so as to take it out of the 3-wide position was an error, and in the circumstances deprive the horse of a full opportunity to win the race. Even considering the problems with the horse, I believe this was a very bad ride.

I dismissed the appeal against conviction.

In considering penalty, I do not consider a six-week suspension excessive, and I also dismissed the appeal as far as penalty is concerned.

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