

**RACING APPEALS TRIBUNAL  
QUEENSLAND**

**NOTICE OF DECISION**

**APPEAL NO:** RT011-07  
**DATE:** 8 May 2007  
**APPELLANT:** Bobby El'Issa  
**RESPONDENT:** Queensland Racing  
**APPEARANCES:** The appellant in person;  
Mr Reid Sanders (Chief Steward) appeared on behalf of the Respondent

**REASONS FOR JUDGMENT**

Mr Brockwell Miller - Deputy Chairman

Jockey Bobby El'Issa rode "Sir Success" at Eagle Farm on 21 April 2007 and as a result of what the Stewards officiating at the relevant meeting considered to be carelessness was charged under AR137(A) with careless riding. The rule reads:

*Any rider may be punished if in the opinion of the stewards:*

*(a) He is guilty of careless, reckless improper, incompetent or foul riding.*

The Stewards identified that the issue was careless riding being that at the point near the 1200 metres he did dictate the line of apprentice McMahan's mount inwards taking horse inside the line of the running rail resulting in that apprentice having to

take hold and as a result thereof then shifting in and making heavy contact with the running rail. Jockey El'Issa acknowledged that he was aware of the rule and of the particulars to which the charge related. He reserved his plea but was subsequently found guilty of the charge and his licence was suspended for eight meetings although the Stewards had in fact considered imposing a penalty of 10 meetings because of his very poor record. In that respect it was noted that in the previous 18 months the appellant had some 14 suspensions imposed of varying degrees and that in 859 rides he incurred a suspension approximately every 71 rides.

Jockey El'Issa appealed to the First Level Appeals Committee which heard the appeal on 30 April some nine days after the original suspension was imposed. The First Level Appeals Committee dismissed the appeal and even though they were requested by the Stewards to contemplate an increase in the penalty did not acquiesce to that request and confirmed that they would only have done so had they determined that the appeal was frivolous. In the circumstances they determined that the appeal by jockey El'Issa was not frivolous.

I have had an opportunity of reading the Transcript before the First Level Appeals Committee but was not provided with the reasons published for their arriving at the decision. I was however able to note that jockey El'Issa had sought a stay of proceedings from the First Level of Appeals Committee which was granted and also from this Tribunal which was similarly granted. It was suggested by Mr Sanders for the respondent that jockey El'Issa was simply using the system to extend his period

of time whereby he was able to participate in the Group Racing that is currently taking place in Queensland. Frankly after viewing the film I have great sympathy for Mr Sanders in his submissions in that respect as I consider in all likelihood that Mr El'Issa certainly has, as one might say, *used the system*. Jockey El'Issa, however, is well within his rights in so doing as the legislation entitles him to make full use of any avenue of appeal available to him.

I was able to view the video footage of the incident in question. In doing so I came to the inevitable conclusion that there was no doubt whatever that the charge was justified and that the interference caused was worthy of the imposition of the penalty. In my opinion the appeal to this Tribunal and that to the First Level Appeals Committee was indeed frivolous and, had I been prepared to warn Mr El'Issa of my power to increase the penalty imposed upon him then I certainly would have done so. I am mindful however that such a warning was not given and it would not therefore be appropriate for me to act in such a way by increasing the penalty.

I do however wish to place on record that I consider the actions of jockey El'Issa to be most inappropriate to facilitate the use of the rules to enable him to continue riding when there was obviously no sound defence or basis to enable him to have the charge and penalty overturned. I have no doubt that should jockey El'Issa come before this Tribunal on such an issue in the future that a formal warning could be made advising him of the powers of this Tribunal to increase penalties where it considers that the appeal is frivolous or that the rules are being simply manipulated

to enable a jockey to accept or carry out a ride that he would otherwise not be available for.

The appeal is dismissed and the deposit is forfeited.

Mr Brockwell Miller  
Deputy Chairman

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