

RACING APPEALS TRIBUNAL

QUEENSLAND

NOTICE OF DECISION

APPEAL NO RT014-09
APPELLANT: Andrew John SPINKS
RESPONDENT: Queensland Racing
DATE: 29 June 2009
APPEARANCES: Mr Paul Tully, Solicitor, appeared on behalf of the Appellant.
Mr S Fletcher, Steward, appeared on behalf of the Respondent

REASONS FOR JUDGEMENT

Mr Leo Williams AO – Chairman
Mr Brock Miller – Deputy Chairman
Mr Dennis Standfield – Member

This is an appeal by Andrew Spinks, a jockey, against a decision of the Stewards of Queensland Racing on 25 May 2009 which found him guilty of the charge of careless riding pursuant to Rule 137(a) of the Rules of Racing.

His appeal to the First Level Appeals Committee was heard on 10 June and dismissed.

Spinks appealed to this Tribunal against both conviction and penalty.

He was charged with careless riding following an incident in a race at Ipswich when the Stewards formed the view that he was not two lengths clear of a horse on his inside ridden by an apprentice causing that horse to be checked.

Spinks had drawn the outside alley at the start of an 1100m F & M Maiden and was working his horse across the front of the field when the incident occurred.

The most reliable evidence is the video which showed that indeed he was not the mandatory two lengths clear but that the incident appeared to have been caused by the apprentice's lack of control of her mount which surged as Spinks was almost across.

The apprentice, Jana Piper, in her evidence before the Stewards attributed the cause of the incident to her own riding.

On the evidence, the Tribunal finds the stewards were correct in making their finding that Spinks should have been 2 lengths clear before crossing and dismisses the appeal against conviction.

The Stewards suspended Spinks for eight meetings. While the conviction can be maintained solely for the lack of clearance, the check and subsequent inconvenience to the inside horse was the result of the apprentice jockey's lack of control of her own mount and Spinks had little part in the incident. Justice would have been served by a reprimand to Spinks which the Tribunal finds is the appropriate penalty.

There was a challenge of sorts in correspondence to the jurisdiction of the Tribunal to hear the matter but it was not argued on the appeal. It appears Queensland Racing failed to convene the First Level Appeals Committee within 14 days of the Stewards' decision and the First Level Appeals Committee decided it could not hear the matter. Such has no bearing on the jurisdiction of this Tribunal to hear the appeal.

The appeal is dismissed and the sentence is varied to a reprimand.

In the circumstances the Tribunal orders the deposit be refunded.

Leo Williams AO
Chairman

Brockwell Miller
Deputy Chairman

Dennis Standfield
Member
