

RACING APPEALS TRIBUNAL

QUEENSLAND

NOTICE OF DECISION

APPEAL NO: RT023-07

DATE: 20 August 2007

APPELLANT: Michael John Dorrington

RESPONDENT: Queensland Racing

APPEAL FROM: Decision of the First Level Appeals Committee to dismiss the Appellant's Appeal both on finding and penalty for a breach of AR137(a) and the imposition of a 8 meeting suspension.

BREACH OF RULE: AR137(a)

DECISION: Appeal dismissed.

APPEARANCES: The Appellant appeared on his own behalf.

Mr Matthew Tutt Steward appeared on behalf of the Respondent.

REASONS FOR TRIBUNAL'S DECISION

Mr Brock Miller - Deputy Chairman

Mr Dennis Standfield - Member

This is an Appeal by Jockey Michael Dorrington against the Decision of the First Level Appeals Committee ("First Level") of 3 August 2007 which dismissed his Appeal against an 8 meeting suspension for careless riding imposed upon him by the Stewards for a breach of Rule AR137(a) following an inquiry on 21 July 2007.

The Appeal is against both finding and penalty with the grounds of Appeal stated in Notice of Appeal filed on 6 August 2007 as:

“My horse held its 3 horse wide position. At the appeal on Friday, Mr Williamson said my horse forced J McKinnon onto the heels of C Dixon earlier in the race. I was not near J McKinnon. J McKinnon tried to get off the heels of C Dixon. Doing so, come into contact with B Appo, who in turn bumped my horse.”

The Stewards Inquiry concerned the Appellant’s ride of Leewards during the running of Race 6 at the Dalby & Northern Downs Jockey Club Meeting that day.

AR137(a) states:

“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 contended that the Appellant’s ride was careless and stated the particulars of the charge (from page 5 line 22 of the Stewards Inquiry Transcript):

“...the carelessness being that you as the rider of Leewards in the LRK Walkers Flying Handicap, 1200 metres, at the Dalby and Northern Downs Jockey Club on 21 July 2007, did allow your mount to shift in at a point near the 800 metre mark resulting in the runners to your inside, being Emerald Park, ridden by Bradley Appo, and also Mr McKinnon’s mount, Leather, being tightened for room at that point and jockey McKinnon being forced to check his mount.”

At the commencement of the Inquiry and prior to the showing of the video the Stewards sought the views of Jockeys McKinnon and Appo to the interference incident and their responses were:

From Jockey McKinnon (page 2 from line 29 of the Stewards Inquiry Transcript)

“Approaching that point I was sort of going forward and then just a bit of buffeting, just sort of – I think a bit of pressure from my outside sort of put on me and I sort of just took hold there for a few strides and let them proceed forward. It just got a little bit tight there.”

From Jockey Appo (page 2 from line 37 of the Stewards Inquiry Transcript):

“Oh, about that time I think we were all bustling to get a position and I went inside Mick Dorrington and as soon as I did that they eased in front and Mick had to come off some heels and I was – pushed me on to McKinnon.”

The initial response of the Appellant to the incident is recorded (page 3 from line 1 of the Stewards Inquiry Transcript) as:

“...I was pushing forward and there was a run coming where I was going and then the gap has closed, I have had to ease off the heels, and as I have eased off the heels I have probably moved in a half a horse. I heard Bradley (Jockey Appo) sing out and Bradley brushed back in to my horse and pushed me a little bit sideways.”

Steward Hichener was on duty that day and he stated (from page 3 line 15 of the Stewards Inquiry Transcript):

“...I was situated on the stand at the 700 metre mark which afforded me a head-on view of the incident. At that point in the race I feel that Michael Dorrington on Leewards has shifted in on to Bradley Appo on Emerald Park who has in turn then shifted in on to Jason McKinnon on Leather who has then had to check at that point of the race.”

It must be pointed out that the Appellant stated that the stand was not at the 700 metre mark but at the 400 metre mark and the Appellant contended that Steward Hichener did not have a head-on view of the incident.

At the First Level Hearing after hearing submissions and further evidence and viewing the video, the First Level dismissed the Appeal with their reasons for doing so being that they accept “... the findings of the stewards on page 5, lines

21 to 28 ...” of the Stewards Inquiry Transcript. That reference is simply a repetition of the particulars of the charge previously referred to.

The Tribunal expresses its concern with the First Level not giving proper reasons. Simply to say that “the panel accepts the finding of the Stewards...” and then recite the particulars of the charge is not sufficient. The parties (and indeed this Tribunal) are entitled to have more information as to the reasoning of the First Level and the findings they made in this matter.

The First Level went on to consider the matter of penalty and again the Appellant’s Appeal on penalty was dismissed with the First Level Appeals stating (page 19 from line 39 of the First Level Appeals Committee Transcript):

“THE CHAIRMAN: Thank you. The appeal is resumed. In respect of penalty, the appeal is dismissed. The penalty remains unchanged at 8 meetings, starting at midnight tomorrow night, 4 August 2007, and expiring at midnight on 18 August 2007. That finalises the appeal. Thank you, gentlemen.”

Again, the Tribunal expresses disappointment that reasons were not given concerning penalty.

At this hearing, the Appellant submitted that the cause of the interference to Jockey McKinnon’s horse could not all be attributed to him because of the contact first made by Jockey Appo’s horse with the Appellant’s mount and outside movement of Jockey McKinnon’s horse when it came from the cut away rail to the course proper. The Appellant also stated that Jockey McKinnon was bringing his horse off the heels of another horse. While the Appellant’s argument can be understood, it is not substantiated by the viewing of the video. Any movement by Jockey McKinnon’s horse outward at the cut away rail area is very minor indeed. Similarly, with respect to Jockey Appo’s horse, the Tribunal is of the opinion that

the first contact was from the Appellant's horse and while there is bumping between the two, it is clear that the Appellant's mount put pressure on Jockey Appo's horse which in turn moved in on Jockey McKinnon's horse. The Tribunal is also of the opinion that any movement by Jockey McKinnon of his horse off the heels of the horse in front was not a contributing factor to the incident. While it is correct that earlier to the incident the Appellant was unable to take a clear run and had to take a wide position the Tribunal cannot see how this contributed to the interference to Jockey McKinnon's horse. As Steward Mr Tutt submitted, the Appellant moved from a *"loose 5 wide position to a tight 3 wide position"*. This is how the Tribunal views the incident from its viewing of the race and the evidence given at the Stewards Inquiry.

The Appeal against finding is dismissed.

With respect to penalty, the Appellant submitted that 8 meetings was *"a bit hard"*. The Disciplinary History of the Appellant was presented to the Tribunal and it is noted that there were previous close riding suspensions at the Sunshine Coast on 14 January 2007 and 6 May 2007 where there was a 9 meeting and a 7 meeting suspension respectively imposed. Notwithstanding the Appellant saying that he should have appealed against the decision, he did not and those previous breaches are relevant in considering penalty. The Appellant advised that he currently has approximately 5 to 6 rides per week and some weeks he has none. In view of the relatively small number of rides and the Appellant's past record from his Disciplinary History, the Tribunal sees no basis to interfere with the 8 meeting suspension which is considered the benchmark.

The Appeal against penalty is dismissed.

The orders of the Tribunal are:

1. Appeal against finding and penalty dismissed.
2. The penalty of an 8 meeting suspension is to commence from 20 August 2007.

Mr Brock Miller
Deputy Chairman

Mr Dennis Standfield
Member