

**RACING APPEALS TRIBUNAL
QUEENSLAND**

NOTICE OF DECISION

APPEAL NO: RT028-08

DATE: 27/10/2008

APPELLANT: William Henry Kenning

RESPONDENT: Queensland Racing

CHARGE/RULE: Make false and misleading statements under Rule 175(gg)

PENALTY: Six (6) months disqualification

APPEARANCES: Mr JE Murdoch SC instructed by Mr Barry Taylor of Emanate Lawyers on behalf of the Appellant; and Mr R Sanders on behalf of the Respondent.

REASONS FOR JUDGMENT

Mr Brockwell Miller - Deputy Chairman

The Appellant, William Henry Kenning, is a licensed jockey and is the life partner of Julie Anne Bell, the trainer of *Bethel Two*.

Julie Anne Bell and the Appellant were charged in respect to making false and misleading statements, arising from events surrounding the attempt to persuade the Stewards of Queensland Racing that the horse *Bethel Two* had satisfactorily performed in a barrier trial, such that a ban on that horse participating in races would be lifted.

The facts in respect to this Appeal are identical to those in the Appeal of Julie Anne Bell under Appeal No. RT027-08, with the exception that this appellant was personally involved in approaching other registered and licensed jockeys, at the behest of the Steward, Mr Chris Waters, to persuade those jockeys to become involved in a *phantom barrier trial*. Other than for that more serious involvement, there is nothing that would distinguish this Appeal from that of Ms Bell.

The Appellant was convicted and his licence was the subject of a disqualification for a period of six (6) months. The Appeal was in respect only to penalty. It is this Tribunal's decision that the penalty in question was manifestly excessive when one takes into account the influence exerted upon the Appellant by the Steward, Mr Waters, and the line of questioning undertaken of him by the Steward, Mr Cooper. Those issues were canvassed in the judgment of Ms Bell, both Appeals having been heard together. The Tribunal considers that the Appeal against penalty should be upheld and that in lieu, a penalty of \$2,500.00 by way of monetary fine be imposed with one (1) month to pay. The deposit is refunded.

Mr Brockwell Miller
Deputy Chairman
