

**DETERMINATION AND REASONS FOR DETERMINATION OF THE
RACING PENALTIES APPEAL TRIBUNAL**

APPELLANT : DAN MILLER

APPLICATION NO. : A/30/08/143

PANEL : Mr J. Syme (A/Chairman)
Mr F. Robins (Member)
Mr T. Mulligan (Member)

DATE OF HEARING : 16 July 1993

IN THE MATTER OF an appeal by Mr Dan Miller against the determination made by the Western Australian Turf Club Committee on 7 July 1993 against the six weeks suspension under Rule 137(b).

Rule 137 states:

....."Any rider may be punished if, in the opinion of the Stewards"

.....(b) "He fails to ride his horse out to the end of the race".

At a hearing before the Stewards the Appellant was charged as follows:

"....failing to ride your horse out to the end of the race, over the concluding 30 metres."

The Appellant appealed against his conviction.

This is a majority decision of the Tribunal as follows:

The Appellant is charged under Rule of Racing 137(b) that he failed to ride his horse out to the end of the race. He put away his whip before the finish believing that this style of riding

would suit the horse. Mr Brockman's evidence supports this action and the Stewards concede that the use of the whip is not an essential element of riding out to a finish. The Appellant is a senior rider of great experience and good reputation. Mr Brockman impresses as a knowledgeable horseman. While we appreciate the difficulties facing the Stewards in determining this matter with the fine margins involved, the Tribunal considers that there opinion was wrongly based and that the Appellant rode the horse out to the finish even though he had ceased to use the whip.

The appeal is allowed and the finding of the Stewards is set aside. It is directed that the fee paid upon the lodgement of appeal is to be refunded.



JOHN SYME, A/CHAIRMAN

