

DETERMINATION AND REASONS FOR DETERMINATION OF
THE RACING PENALTIES APPEAL TRIBUNAL

APPELLANT: CHAD DAVIES
APPLICATION NO: A30/08/471
PANEL: MR D MOSSENSON (CHAIRPERSON)
DATE OF HEARING 8 SEPTEMBER 1999
DATE OF DETERMINATION: 8 SEPTEMBER 1999

IN THE MATTER OF an appeal by Mr C Davies against the determination made by the Western Australian Turf Club Stewards on 1 September 1999 imposing a 13 day suspension for breach of Rule 137(a) of the Australian Rules of Racing.

The appellant represented himself.

Mr J Zucal appeared for the Western Australian Turf Club Stewards.

This is an appeal by Chad Davies the rider of POLLY'S JEWELL, which competed in Race 2 the Leake Handicap at Belmont Park on 1 September 1999. Following an incident which occurred in that race the Stewards conducted an inquiry. After hearing evidence from Mr Davies and other participants in the race, after viewing the video and hearing from the Stewards as to their observations of the race, Mr Davies was charged with a breach of Rule 137(a) of the Australian Rules of Racing namely careless riding.

The particulars of the charge were:

"... that approximately 100m after the start in Race 2, you allowed your mount POLLY'S JEWEL to shift in crowding DIAL A HONEY onto KINGSTON JUNGLE which in turn crowded BROCKY'S GAMBLE onto ANOTHER SPEED which in turn inconvenienced MISS CENTAINE."

The Stewards heard some further evidence before concluding that in their belief the filly was not uncontrollable although it may be difficult to ride. The Stewards did take into account previous rides of that horse. Mr Davies was found to be guilty as charged.

So as far as the penalty is concerned the Stewards imposed a period of suspension of 13 days.

Mr Davies appealed against both the penalty and the conviction. He was granted a suspension of operation of the penalty on 2 September 1999.

I have had the benefit of hearing the submissions and arguments from both sides. I have viewed the video of the race in addition to having read the transcript of the Stewards' proceedings. I am not persuaded by Mr Davies' argument that the blame can be entirely laid at the foot of the horse and that the Stewards were in error in forming the opinion which they did of this riding incident.

I am satisfied from all of the material before me that the Stewards were entitled to form the opinion which they did of the situation. Further, having taken into account all of the factors which the Stewards did consider in imposing the penalty I am satisfied that a suspension for a period of 13 days was reasonable in all of the circumstances. The penalty clearly falls within the usual range of nine days to two months as pointed out by Mr Zucal. It is not an excessive penalty in the circumstances, as has been admitted by Mr Davies.

In those circumstances the appeal is dismissed. The suspension of operation of the penalty automatically ceases.



DAN MOSSENSON, CHAIRPERSON

