

DETERMINATION AND REASONS FOR DETERMINATION OF
THE RACING PENALTIES APPEAL TRIBUNAL

APPELLANT: JASON FRANCIS MILLER
APPLICATION NO: A30/08/475
PANEL: MR D MOSSENSON (CHAIRPERSON)
DATE OF HEARING 24 SEPTEMBER 1999
DATE OF DETERMINATION: 24 SEPTEMBER 1999

IN THE MATTER OF an appeal by Mr J F Miller against the determination made by the Western Australian Turf Club Stewards on 18 September 1999 imposing a 16 day suspension for breach of Rule 137(a) of the Australian Rules of Racing.

Mr A R Taylor was granted leave to appear for the appellant.

Mr F J Powrie appeared for the Western Australian Turf Club Stewards.

This is an appeal by Jason Francis Miller the rider of RIPPLING ECHO, which competed in Race 4 at Belmont Park on 18 September 1999. Following an incident which occurred in that race the Stewards conducted an inquiry. The Stewards heard evidence from Mr Miller, Mr Durrant who is Mr Miller's master and the trainer of RIPPLING ECHO and other participants in the race.

Mr Miller was charged with a breach of Rule 137(a) of the Australian Rules of Racing namely careless riding. The appellant pleaded guilty to the charge.

The Chairman of Stewards announced the penalty in the following terms:

"We've taken into consideration the issues of mitigation, namely your plea of guilty, and the issue related to your weight that you made reference to. The Stewards don't believe that we should or could, sorry, we can if we wish, but we don't believe it would be appropriate that we apply a fine in this particular offence in this particular set of circumstances, Mr. Durrant. We are very conscious of the fact that the safety of other riders is of paramount concern to the Stewards and indeed we have referred to Apprentice Miller's record. The severity of the interference was also taken into consideration and without adding and subtracting figures, the Stewards believe, after taking all those considerations, everything into consideration, and the mitigating circumstances as outlined, that a penalty of sixteen days' suspension from riding in races from midnight tonight until midnight the 4th of October would be appropriate.

Mr Miller appealed against the severity of the penalty.

I have listened carefully to the argument presented by Mr Taylor which is really threefold, raising the aspect of the layout of the track, the stage of the race in which the incident occurred and the impact on Mr Miller of the 16 day suspension. As to the latter, according to Mr Taylor, Mr Miller will in fact be deprived of riding in nine meetings as distinct from the usual six meetings.

Despite Mr Taylor's best efforts I am not persuaded that it has been demonstrated that the Stewards were in error in imposing the suspension which they did on Mr Miller. There is clearly a range in the order of ten days to two months suspension for riding offences. The Stewards have conducted what appears to be a fairly careful inquiry into the incident from what is revealed in the transcript. There is no dispute as to the guilt of Mr Miller. All that is the subject of the appeal is the question of the appropriateness of the penalty. There must be demonstrated a clear error on the part of the Stewards in imposing the penalty in order for me to interfere in the matter.

I am not persuaded that there is anything which the Stewards have done or said which demonstrates an error on their part warranting interference. I am satisfied that the penalty that was imposed is within the range. In those circumstances the appeal fails and is dismissed.



DAN MOSSENSON, CHAIRPERSON

