

DETERMINATION OF
THE RACING PENALTIES APPEAL TRIBUNAL

APPELLANT: COREY JOHN FARRELL
APPLICATION NO: A30/08/579
PANEL: MR S PYNT (PRESIDING MEMBER)
DATE OF HEARING: 20 AUGUST 2002
DATE OF DETERMINATION: 20 AUGUST 2002

IN THE MATTER OF an appeal by Mr C J Farrell against the determination made by the Stewards of the Western Australian Turf Club on 20 July 2002 imposing 12 days suspension for breach of Rule 137(b) of the Australian Rules of Racing.

Mr S Moore was granted leave to represent the appellant.

Mr W J Delaney appeared for the Stewards of the Western Australian Turf Club.

On 20 August 2002 I dismissed the appeal and advised that I would publish my reasons in due course. These are my reasons for decision.

Following the running of Race 5 at Kalgoorlie on 20 July 2002 the Stewards opened an inquiry into Apprentice Farrell's riding over the concluding stages of the race. The appellant rode PAGO which deadheaded for second.

After hearing evidence and viewing the patrol film the Chairman of the inquiry, Mr Biggs announced the charge in these terms:

"Yes, Apprentice Corey Farrell, after considering the evidence, Stewards do believe you do have a charge to answer to, and it's a charge under Australian Rule of Racing 137: any rider may be punished if in the opinion of the Stewards, (part b) he fails to ride his horse out to the end of the race. Now Stewards are charging you under that Rule, that in the opinion of the Stewards, you stopped riding approximately 10 metres prior to the finishing post in Race 5 the Turfside Catering Handicap which you deadheaded with AT A LOOSE END for second."

Apprentice Farrell pleaded not guilty to the charge.

After adjourning the inquiry the Chairman announced their findings as follows:

“Going back to Race 5, Apprentice Corey Farrell where Stewards did find, did charge you under Rule 137(b) for failing to ride your horse out and the fact that you stopped riding probably 10 minutes prior, 10 minutes prior to the finishing post. You pleaded not guilty to the charge, Stewards did give you the opportunity to put any further evidence forward which you did. After considering that further evidence, Stewards do believe you should be found guilty of the charge as laid and it only reminds, remains on Stewards to decide on penalty. Now is there anything you wish to put forward in relation to penalty?”

Apprentice Farrell lodged Notice of Appeal on 2 August 2002 against the conviction only. The ground of appeal states “The verdict was against the weight of the evidence.”

Mr Moore for the appellant based his argument primarily on the assertion that Apprentice Farrell only stopped riding his horse at the relevant stage of the race to straighten his mount, so as not to cause interference to the inside runner.

The transcript of the Stewards' inquiry does not reveal the appellant at any stage asserting that his horse was hanging in causing him to stop riding. Relevant extracts from the transcript include:

At page 1

CHAIRMAN All right, Apprentice Farrell, Stewards are concerned with your riding over the concluding stages of the race. Did anything happen to you over the concluding stages of the race?

FARRELL No, sir. I can't recall anything.

At page 2

CHAIRMAN So, there's no, nothing happened to you that should cause you to stop riding your horse over the final stages?

FARRELL I didn't feel as though I did, sir, no.

CHAIRMAN And you don't believe that stopping riding shortly before the post would have, could have affected that performance?

FARRELL No, sir, I believe they were always going to the line together.

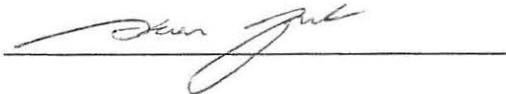
CHAIRMAN They were always going to the line together? Well, that's, that's your opinion but of course, you don't know, do you? Do you believe after viewing the film that you have stopped riding and sat up before the post?

FARRELL Only about a stride, sir, yes.

Mr Moore agreed that the appellant did not raise this assertion at the Stewards' inquiry and said that this was because he was flustered.

The Stewards in forming their opinion that the appellant had stopped riding his horse prior to the finish of the race were entitled to take into account the evidence given at the inquiry, their own observations of the race and the patrol films.

I was not persuaded that the opinion formed by the Stewards was not open to them on the evidence. For these reasons, I dismissed the appeal.



STEVEN PYNT, PRESIDING MEMBER

