

Appeal decision

Date: 29 June 2015

Code of racing: Harness

Appeal panel: Mr B. Miller (chair), Mr P. James and Mr D. Kays.

Appearances: Mr S. Neaves, Barrister, Counsel, appeared on behalf of Mr J. Wallace.
Ms K. Wolsey, Stipendiary Steward, appeared on behalf of the stewards.

Decision being appealed: Suspension of licence to drive in races for a period of 4 weeks.
- AR149(2).

Appeal result: Dismissed.

Extract of proceedings—in the matter of the Powered By Polster Pace (C5-C6) over 2040 metres at Redcliffe on 3 June 2015. Driver: Jacob Wallace

THE CHAIRMAN: We appreciate the various circumstances that have arisen as a result of this race, and Mr Neaves has put forward the proposal quite simply that there are 3 separate issues that the Board should take into account when identifying whether or not to uphold this appeal. The first being of course the inexperience and the lack of experience of the driver, his client, and the second the fact that spreaders had been released which would upon their release have enabled the horse to hit its knees, and, of course, the third that the horse had in fact done exactly that: hit the knees in running, which is a trait that it had adopted prior.

We have viewed the film and we have listened closely to the circumstances and the submissions made. Frankly, we cannot accept that it was pure driving ability that failed to allow this horse to identify a position better in the race. The driver had only 40 or 50 drives, and there is no doubt that his lack of experience has to some degree led to this inadequate position and this inadequate drive.

Our view is simply that the drive was far from adequate in the circumstances, and that had he been a senior driver would more likely than not have received a penalty of 3 months and perhaps even 12 months in circumstances where he allowed the horse to progress forward at a time when he had little or no chance whatsoever of improving his position, and even had he been able to travel 3 wide for the remainder of the race and obtain the death-seat, that would have been the death knell in any event.

We believe that the stewards have probably taken his experience into account in assessing penalty here because a period of suspension of 4 weeks is not something that we would have ordinarily imposed ourselves.

Our view is that the appeal should be dismissed both as a conviction and penalty.

Further right of appeal information: The appellant and the stewards may appeal to the Queensland Civil and Administrative Tribunal(QCAT) within **14 days of the date of this decision**. Information in relation to appeals to QCAT may be obtained by telephone on (07) 3247 3302 or via the Internet at www.qcat.qld.gov.au