

TASMANIAN RACING APPEAL BOARD

Appeal No 23 of 2017/18

Panel:	Kate Brown (Chair) Rod Lester	Appellant:	Sigrid Carr
Appearances:	Kevin Ring on behalf of the Appellant Scott Quill on behalf of the Stewards	Rules:	AR137A(5)(a)(ii)
Heard at:	Office of Racing Integrity 1 Civic Square Launceston, Tasmania.	Penalty:	Two race meeting suspension
Date:	23 May 2018	Result:	Appeal against penalty dismissed

REASONS FOR DECISION

1. On the 23rd of May 2018 the Tasmanian Racing Appeal Board heard an appeal from Sigrid Carr against a penalty imposed for a breach of AR 137A(5)(a)(ii) in that she used her whip on 13 occasions prior to the 100m in Race 7 at Launceston on the 13th of May 2018. Ms Carr had pleaded guilty but argued that the two race meeting suspension was excessive.
2. Mr Ring represented Ms Carr at the hearing. On her behalf it was conceded that while her record with respect to this rule was “not good” she had not offended against it in 109 rides and she ought be given significant credit for that change. It was submitted that this rule has taken the industry a long time to adjust to and that there have been policy changes since its implementation which reflect the difficulties it has caused. It was also submitted that on this occasion the appellant’s horse “was not responding well without the whip”.
3. In terms of the appellant’s personal circumstances it was noted that she rides in nearly every race and is in contention about eighty percent of the time, and is running second in the jockey premiership. It was put that because of the dates of the suspension it had effect as a three week suspension, and much was made of the fact that a two race meeting suspension is more onerous at that time of year because races are only held weekly. It was further submitted that the appropriate penalty would have been a heavy fine or a one race meeting suspension, and that the penalty imposed failed to give sufficient credit to the recent improvement in the appellant’s record of offending and that in the “last 6 months her record has improved out of sight”. It was put that suspension would cost her some \$4,000 in lost riding fees and potential prizemoney percentages. In response the Stewards noted that the appellant had used the whip 8 times more than allowed prior to the 100m and that should be considered a gross breach of the rule. It was submitted

that the policy change around this rule was implemented to respond to issues raised by minor breaches and this did not fall into this category.

4. With respect to the appellant's record, it was noted that in the last 18 months the appellant had appeared before Stewards on 37 occasions in relation to the whip rule and had received variously reprimands, fines and suspensions. In the current season to date the appellant had had 333 rides and had appeared before Stewards with respect to this rule on 9 occasions which was significantly more than other riders of her calibre. Stewards pointed out that the appellant had won this race in which all the other riders complied with this rule. They further noted that her most recent breach of this rule on the 11th of February 2018 (where she had used her whip 12 times prior to 100m) had seen a two race meeting suspension imposed, which had been the most severe penalty she had received for breaching the rule and ought to have acted as a deterrent.
5. In regard to the appellant's personal circumstances, Stewards noted that for race riding alone this season the appellant was likely to have earned at least \$100,000, without taking into account earnings from track work and trials and that the \$4,000 referred to by the appellant as lost earnings needed to be put in that context.
6. Much time was spent in canvassing the impact of the Tasmanian practice of suspending for a number of race meetings rather than for a number of days as the practice in the larger jurisdictions around the country. It was of very limited assistance in considering the appropriateness of the penalty imposed on this occasion.
7. The Board determined to affirm the penalty imposed by Stewards, taking into account the need for general deterrence and personal deterrence and also that the rule is in place to protect the welfare of the horses and reflects the concerns the community has around this issue particularly. Compliance with rules directed at animal welfare is not less important than compliance with rules focussed on rider safety or the integrity of the industry.
8. The appellant's record of offending against this rule, even in the context of her activity level is concerning. While there had been some improvement in her offending it was not for the six month period her representative had suggested. Relying on her level of activity was indeed something of a double edged sword: she has had more opportunity than most to regulate her whip use, and as a high profile rider has a responsibility to set a good example. The Board was also persuaded by the submission of Stewards that having imposed a penalty of two race meetings in February (for using her whip 12 times prior to 100m) they could not impose a lesser penalty in May (for using her whip 13 times prior to 100m).
9. The appellant will forfeit 50% of her deposit and pay 50% of the transcript costs.