

# TASMANIAN RACING APPEAL BOARD

## Appeal No 31 of 2016/2017

<b>Panel:</b>	<b>Mr Tom Cox (Chair)</b>	<b>Appellant:</b>	<b>Mr Christopher Graham</b>
<b>Appearances:</b>	<b>Mr Adam Trinder for the Appellant Mr Scott Quill for the Stewards</b>	<b>Rules:</b>	<b>AR137(a)</b>
<b>Heard at:</b>	<b>Launceston</b>	<b>Penalty:</b>	<b>Suspension - 2 race dates</b>
<b>Date:</b>	<b>26 July 2017</b>	<b>Result:</b>	<b>Appeal Dismissed</b>

### REASONS FOR DECISION

1. The appellant was the rider of **Time Commands** in race 5 at the Tasmanian Racing Club meeting on 18 June 2017.
2. Following the race, the stewards conducted an inquiry into the appellant's ride. In the course of the inquiry, the stewards proceeded to find the appellant in breach of AR137(a) for careless riding. The particulars of the charge are conveniently set out in the stewards' report dated 18 June 2017. The report provides:

*You Didn't* – Passing the 800 metres, had to be checked when tightened for room by **Time Commands** (Chris Graham) which shifted in. At a subsequent inquiry, Stewards found Apprentice Chris Graham, the rider of **Time Commands**, guilty of a charge of careless riding under AR137(a) in that, when passing the 800 metres, he allowed his mount to shift in when insufficiently clear of **You Didn't**, resulting in that gelding having to be checked when shifting in and, as a result, inconveniencing **Qui Samer**. The interference and carelessness were both deemed to be of a medium level. After taking into account submissions on penalty, Chris Graham's licence to ride in races was suspended for two (2) Tasmanian race meetings to be served cumulatively with any decision handed down by the Appeals Board.

3. The appellant contends that the horse to his inside, **You Didn't**, checked on account of its manners and not on account of anything done or not done by the appellant.
4. The footage (side on) clearly shows that early in the race as the field passed the 800 metres mark, the appellant's horse proceeded from the outside to cross **You Didn't**. It was common ground between the parties that the

appellant was attempting to cross and that Sigrid Carr on **You Didn't** attempted to restrain her horse at that time.

5. It was also accepted by the appellant that he was not sufficiently clear of **You Didn't** as he crossed. The footage confirms as much. Nevertheless, the appellant contends that **You Didn't** over-reacted and that if the horse was more "trackable" it would not have checked.
6. In my view there may be some merit in the submission that **You Didn't** over-reacted. The footage, for instance, does not seem to suggest that Miss Carr forcefully restrained her mount to avoid clipping the heels of the appellant's mount. However, whether **You Didn't** over-reacted or not, the simple fact is that the appellant commenced his move when his mount was not sufficiently clear of the horse to his inside. In undertaking this move, the appellant created the risk that the horses may make contact and, for this reason, I find that the appellant's conduct was sufficiently culpable to amount to careless riding. That said, I agree with Mr Trinder's submission that the appellant's culpability was relatively low.
7. The appellant's record for breaches of this rule is poor. He has recently suffered two periods of suspension and a number of reprimands. In my view, I would only be tinkering with the stewards' decision if I were to reduce the penalty. Accordingly, the appeal is dismissed.
8. Pursuant to s34(1)(B) the decision is to take effect immediately.
9. In accordance with s.34 of the *Racing Regulation Act 2004*, 50% of the appellant's prescribed deposit is to be forfeited to the Secretary of the Department. The appellant is also ordered to pay 50% of the cost incurred in the preparation of the transcript.

**DATED: 31 July 2017**