

TASMANIAN RACING APPEAL BOARD

Appeal No. 05 of 2019/20

Panel:	Tom Cox (Chair)	Appellant:	Mehmet Ulucinar
Appearances:	Scott Quill (on behalf of the stewards)	Rules:	AR 131(a)
Heard at:	Elwick Racecourse Glenorchy Tasmania	Penalty:	Suspension for 1 race meeting
Date:	16 December 2019	Result:	Appeal against conviction dismissed Penalty varied to a reprimand

REASONS FOR DECISION

1. The appellant was the rider of *Luna Sky* in Race 4 – The Unique Doors & Windows Benchmark Handicap – over 1200m at the Tasmanian Turf Club on 27 November 2019.
2. Following an inquiry into the appellant's ride, he was found in breach of AR 131(a) - careless riding - for allowing his mount to shift out past the 200m mark when insufficiently clear of *It's a Battle*, resulting in that gelding being tightened for room and having to check to avoid his heels. The Stewards proceeded to penalise the appellant one race date on the basis that the appellant had a good record and that *Luna Sky* had been brushed by another horse, to its inside, *Tiesto*, prior to the appellant's breach of the rule.
3. The appellant contends that insufficient weight was given to the fact that *Tiesto* had brushed his horse. He submitted before this Board that it was not a mere "brush", but rather his horse was bumped by *Tiesto* causing his mount to shift up the track. Further, the appellant contends that when *Tiesto* moved forward, its rider, Mr Maskiell, flashed his whip in *Luna Sky*'s face, causing it to run up the track.
4. By contrast, the Stewards assert that despite *Tiesto* contacting *Luna Sky*, it was apparent from the video footage that *Luna Sky* shifted up the track and interfered with *It's a Battle* and that it was not for some 3-4 strides before the appellant reacted and straightened his mount.
5. While the video footage shows that contact was made between *Tiesto* and *Luna Sky*, and that Mr Maskiell's whip was in the vicinity of *Luna Sky*'s face, it is also apparent that the appellant failed to straighten his mount for some 3-4 strides after it had shifted up the track. In those circumstances the Stewards were right to conclude that the appellant was in breach of the rule. They were also right to conclude that the

contact from *Tiesto* was a contributing factor. The appellant's appeal against the finding that he was in breach of the rules is dismissed.

6. As far as penalty is concerned, I have reached the view that the penalty of one race should be substituted for a reprimand. The appellant's culpability was relatively low. The contact from *Tiesto* was a contributing factor and set in train the appellant's mount moving up the track. These matters, coupled with his good record, warranted a penalty that did not amount to an actual suspension.
7. The Board orders that pursuant to s.34(1A) and (2)(d) of the *Racing Regulation Act 2004* (the Act), 25% of the appellant's prescribed deposit is to be forfeited to the Secretary of the Department. Further, the appellant is ordered to pay 25% of the cost incurred in the preparation of the transcript pursuant to s.34(4A) of the Act.