

TASMANIAN RACING APPEAL BOARD

Appeal No 20 of 2016/2017

Panel:	Mrs Kate Brown (Chair)	Appellant:	Christopher Graham
Appearances:	Mr Chris Taylor as Advisor Mr Kevin Ring on behalf of the Appellant Mr Reid Sanders on behalf of the Stewards	Rules:	AR137(a)
Heard at:	Launceston	Penalty:	2 race dates suspension
Date:	24 May 2017	Result:	Dismissed

REASONS FOR DECISION

1. On the 24th of May the Tasmanian Racing Appeal Board heard an appeal by Chris Graham against a conviction imposed for careless riding at Hobart on the 23rd of April 2017 for which he was suspended for two race meetings.
2. The Board had regard to
 - a. The Notice and Grounds of Appeal
 - b. The Fine and Notification of Penalty
 - c. The Transcript of the Inquiry held by Stewards on the 23rd of April
 - d. The appellant's offence record
 - e. The Stewards report form TRC meeting on the 23rd of April
 - f. A copy of the race film.
3. The Board also heard further evidence and submissions at the hearing of the appeal. The particulars of the charge were that in Race 1 the *appellant "permitted [his] mount to shift in near the 1200 metres [sic], carrying Livermore (Craig Luttrell) inwards, resulting in Accounted Four (Stephanie Thornton) which was racing to the inside, having to be checked"*.
4. The appellant's case was that the incident that occurred was attributable to Ms Thornton, on the basis that her mount had missed the start; she tried to take a run on the fence when there wasn't room and didn't have control of her horse going into the bend which is known to be a difficult one. It was submitted that the appellant went into the bend three off the fence and came out of it three off the fence, and his evidence was that he could not see Ms Thornton and did not hear her call.
5. In response, the Stewards asserted that there was a run there for Ms Thornton which she was entitled to take, and that the appellant ought to have seen her; that before shifting in to Mr Luttrell the appellant was obliged to ensure that Luttrell was clear.

6. The Board was satisfied on viewing the film that Mr Graham failed in his obligation to take sufficient care by allowing Harvey Bay to shift in when completely unable to ensure that Mr Luttrell was clear of other horses and no other riders would be inconvenienced. The impact of that insufficient care was that Mr Luttrell's mount *Livermore* was forced in on to Ms Thornton's mount *Accounted Four* and therefore taking her run.
7. There was no adequate explanation for the appellant's shift in, and he had an obligation to be aware of the riders around in him when changing course. The Board upheld the conviction.
8. With respect to the penalty, the Board was satisfied that in view of the record of breaching this rule and the circumstances of the breach, that the penalty imposed by the Stewards was appropriate.
9. Pursuant to s.34 of the *Racing Regulation Act 2004* the Board orders that 75% of the deposit paid be forfeited to the Secretary and that the appellant pay 75% of the cost of preparation of the transcript for the appeal.