

## Appeal decision

---

**Date:** 14 May 2014

**Code of racing:** Thoroughbred

---

**Appeal panel:** Judge W Carter (chair), Mr P James and Mr G Casey.

**Appearances:** Jockey Nathan Evans appeared on his own behalf.  
Mr C Albrecht, stipendiary steward, appeared on behalf of the stewards.

**Decision being appealed:** Suspension of licence to ride in races for a period of one month  
- AR135(b).

**Appeal result:** Appeal dismissed.

---

### **Extract of proceedings – in the matter of the Maiden Plate over 800 metres at Esk on 12 April 2014. Jockey: Nathan Evans**

THE CHAIRMAN: Jockey Nathan Evans has appealed to this board against a suspension of one month, which was imposed by the stewards as a result of the jockey's ride on Manner Lassie in Race 1 at the meeting held that day at the Esk Jockey Club. The stewards inquired into the circumstances of the race and at the conclusion of the inquiry charged the jockey with a breach of Rule 135(b), which requires that the rider of every horse shall take all reasonable and permissible measures throughout the race to ensure that his horse is given full opportunity to win or to obtain the best possible position in the field.

As a result of that charge the stewards concluded that jockey Evans was guilty and imposed the suspension to which we have referred. The stewards particularised the fault on the part of the jockey in this race, in that, firstly, in the straight from about the 200 metre mark to the 100 metre mark the jockey unnecessarily restrained the horse to the point where he stopped riding it, and, secondly, that he took his horse from a position where it had clear running to its inside and to the inside of the horse which was on its inside when that was unnecessary.

The jockey's response was that as the field approached the home turn, his mount, which was drawn 11 in a field of 11, was inclined to hang out approaching the turn. The stewards acknowledged that and that is readily apparent to us on the film of the race. It is when the horses straightened for the run home that the issues arise.

It seems clear to us that the horse which jockey Evans was riding was galloping tractably and in a straight line, and seemingly would run into the race in an appropriate way. The stewards' concern, which was based on the fact that the jockey took an obviously strong hold on the head of the horse and that shortly afterwards the horse was ridden into a position on the inside of the horse to its immediate inside was the concern.

Jockey Evans' case is that he does not have any clear understanding of why the horse's head came up to the extent that it did, but he says that it was inclined to hang and that when he was attempting to ride the horse straight with both hands on the offside rein so as to counter the movement out, the horse suddenly without explanation ducked in.

The stewards were not prepared to accept that and nor are we. We are of the view that the horse was travelling, and jockey Evans being an experienced jockey, whilst there may have been some tendency for the horse to tend towards the outside, nonetheless he seemed to us to be at all material times in effective control of the horse, and that for reasons best known to him the horse's head was restrained and then steered to the inside of the other horse.

We think in all of the circumstances that the stewards have acted properly in this instance and we dismiss the appeal against conviction. We think that a suspension of one month is in line with penalties which are imposed in respect of breaches of Rule 135(b) and we dismiss the appeal against 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](http://www.qcat.qld.gov.au)