

## Appeal decision

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**Hearing date:** 14 September 2015

**Decision date:** 14 September 2015

**Code of racing:** Thoroughbred

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**Appeal panel:** Mr B. Miller (chair), Mr P. James and Mr G. Casey.

**Appearances:** Mr B. Sibley, appeared on behalf of Miss T. Knox.  
Mr S. Fletcher, stipendiary steward, appeared on behalf of the stewards.

**Decision being appealed:** Three months suspension of stablehand licence and fined \$500 – AR175(q).

**Appeal result:** Suspension of stablehand licence for a period of six months, suspended for a period of 18 months conditional upon not reoffending against Rule 175(q) or rules of a like nature.

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**Extract of proceedings—in the matter of a complaint by stablehand R. Gye-Collishaw against stablehand T. Knox alleging improper comments on Facebook, Snapchat, and alleged comments made by Miss Knox at the Gatton race meeting on 7 June 2015.**

THE CHAIRMAN: Taylor Knox has pleaded guilty to a charge levelled against her under Rule 175(q), which alleged that she had made improper comments to Rylee Gye-Collishaw. The plea of guilt was suggested by Mr Sibley as being a forced plea because of the issues that have been raised against her and the pressures that had been imposed. What this Board believes is that we are dealing with a young 18-year-old girl who is obviously an immature person who has little regard for her fellow people in respect to the manner in which she treats them.

She has had three previous convictions. The first is a conviction in 2013 whereby she was fined \$500 but had \$300 of that fine suspended. It appears that she complied with the requirements of that penalty but in February 2015 she was then visited with a further penalty, admittedly more than 12 months after the 2013 charge, and in that it was made plain by the stewards that she was a person that was on notice. She was given a suspension of three months, which was wholly suspended for a period of 12 months in an attempt for the stewards to see whether she had improved her standing and whether she had improved her

manners and attitude towards her fellow persons. This time she has been fined \$500, and the imposition of the earlier three-month penalty by way of suspension has been revisited.

We have been asked to identify by Mr Sibley, her advocate, whether there is some basis upon which this Board is prepared to grant her further leniency. She sits before us and has told the Board that she has attended anger management classes. She has been cared for by Mr Sibley and presumably her mother, and that there are issues that she is trying very hard to restrain such as she no longer participates in the foul mouth language that has been visited upon her previously.

It is disappointing to see a young lady of her age and of her parentage in the industry where she is going to effectively threaten the existence of her future livelihood, and I make that quite plain. There is every prospect that if this continues, Miss Knox will have absolutely no future in any industry, but more particularly in the industry of racing. One would think that she may take that on board having been before this Board and having been listened to in that regard. I say listened to because we are going to give you a chance, and I'm not sure if we are right in doing so, but we are prepared to increase the 3 months suspension that is remaining to six months, however we will extend the period under which that 6 month penalty is imposed, such that it is effectively suspended for 18 months.

By that it is quite simply this. If you go before the stewards for similar action or if you come before this Board again for similar action, the stewards will firstly give you six months automatically, the appeal will be unsuccessful and we will increase it again, and you will not be in the industry. You understand what I am saying?

Knox: Yes, sir.

Chairman: Mr Fletcher has made it very plain that the stewards think highly of you as a worker, and hopefully the industry will do likewise. But Mr Fletcher has done all in his power to assist you. Stewards have done all that they can. They are going to lose patience, and they don't want to be before this Board all the time. I'm certain that they probably are reluctant to even hear the change in the penalty that we have imposed, but we have decided that you are entitled to one chance and one chance further.

On that basis, you are suspended for six months. That suspension is however allowed to remain in limbo as it were and to not have any effect for a period of 18 months from this day if you not again offend against the Rules of Racing of a like nature. The fine stands and the appeal is upheld to a limited degree relative to penalty and penalty only.

Further right of appeal information: The Appellant and the Steward may appeal to the Queensland Civil and Administrative Tribunal (QCAT) within **28 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)