

## Appeal decision

---

**Hearing date:** 22 December 2015

**Decision date:** 22 December 2015

**Code of racing:** Thoroughbred

---

**Appeal panel:** Mr P. James (chair) and Mr D. Kays.

**Appearances:** Mr P. Wolfgram appeared on behalf of apprentice jockey T. Wolfgram.  
Mr A. Reardon, Chairman of Stewards, appeared on behalf of the stewards.

**Decision being appealed:** Suspension of licence to ride in races for a period of covered by ten days – AR137(a).

**Appeal result:** Dismissed.

---

### **Extract of proceedings—in the matter of the Twilight Raceday Benchmark 75 Handicap over 1,615 metres at Doomben on 28 November 2015: Apprentice Jockey T. Wolfgram**

THE CHAIRMAN: We have read the transcript and viewed the film here today. Tegan Harrison was on the favourite, Sheiswhatsheis, which was on the rails. Sam Payne was outside Tegan on Kiss Me Deadly, and Travis Wolfgram is on the outside of Sam Payne on Tail And All. In going to the charge on page six of the transcript, Mr Wolfgram has been charged under Rule 137(a), which states:

“Any rider may be penalised if in the opinion of the stewards:

- (a) He is guilty of careless, reckless, improper, incompetent or foul riding.”

The stewards advised:

“We stipulate careless riding, the careless riding being that as the rider of Tail And All you did permit that gelding to shift in near the 400 metres in the last here today when not clear of runners to your inside, that being Kiss Me Deadly, Sam Payne's mount, which was taken inwards and tightened the racing room of Sheiswhatsheis to the extent that Tegan Harrison was

crowded on that horse onto the running rail and had to be steadied out of her rightful running.”

Now, the main thrust of Mr Wolfgram’s defence before the stewards was towards the end of page six where he said:

“I’ve held a tight line. I know it is tight but there was always room for Tegan to be there, but if she had’ve held her line, the incident never would have happened.”

Further down:

“Sorry, sir, but I did think there was always room there if she held – held it slightly – I think she’s anticipated it and she’s just checked out of it as she does every other time. There’s not much more to say. Every time, like, she’s on a horse going backwards, she’ll pull out of it. I still think there’s room there if she held her line. Before I tightened her up, she started to grab hold of the horse rather than to hold her spot.”

Mr Knibbs, the steward on the spot, watched the race from the 400m tower. He had a clear head-on view of the incident. I will just go to Mr Knibb’s evidence in the transcript at page two and top of page three.

“I watched the race, as you said, from the tower near the 400 metres, it gave me a clear head-on view of the incident approaching the 400. Sheiswhatsheis had been leading and was racing on the fence for some distance in the race. Outside that horse had been Kiss Me Deadly. I noticed Travis Wolfgram then improve into the race. After the 700, he went up three wide, tried to put pressure and speed into the two horses to his inside.

I felt approaching the 500 he probably got about a neck in front of Sam Payne’s horse, which was head and head with Tegan Harrison on the fence, and approaching my tower, which gave me the head-on view, I thought Travis Wolfgram got inside a three-wide line. It appeared to me head-on that Sam Payne had his horse’s head turned out trying to look after Tegan Harrison, who was still on the fence, but there was pressure to Sheiswhatsheis and I thought that horse was crowded onto the rail and sort of whilst it may have been commencing to weaken, it did get crowded onto the rail and had to be restrained quicker than what it was going back.”

It is our view after considering the matter, the transcript and the film, we find at about the 400 metres, Travis Wolfgram’s horse put pressure from the outside onto Tegan Harrison on the fence. Sam Payne on her outside was trying to look after her and had her horse’s head turned out. Mr Wolfgram also had his horse’s head turned out. He has shifted in and never stopped riding, however the pressure from the outside we find caused Tegan Harrison’s



horse to be crowded onto the rails and restrained even though it was weakening, in accordance with the findings of Mr Knibbs, who had the head-on view.

We therefore agree with the stewards version of events and dismiss the appeal on conviction.

Turning to the question of penalty, we find that a 10 day suspension seems to be at the lower end of the range for offences of this type.

In all of the circumstances, we dismiss the appeal on penalty.

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)

