

Media Release

Racing Appeals & Disciplinary Board

Result of the appeals held before the HRV Racing Appeals and Disciplinary Board on 14 September 2016.

Nathan Jack

Against restrictions imposed by the stewards under Rule 183 and Rule 15(d) including a 3 month suspension of licenses held by Mr Jack.

Appeal upheld, no restrictions remaining against Mr Jack.

HRV RAD Board Panel: Tony Burns (Chairman)

Appellant Representative: Damian Sheales
HRV Representative: Paul Czarnota

Amanda Turnbull

Against restrictions imposed by the stewards under Rule 183 and Rule 15(d) including a 3 month suspension of licenses held by Ms Turnbull.

Appeal upheld, no restrictions remaining against Ms Turnbull.

HRV RAD Board Panel: Tony Burns (Chairman)

Appellant Representative: Sam Tovey
HRV Representative: Paul Czarnota

Lisa Bartley

Against restrictions imposed by the stewards under Rule 183 and Rule 15(d) including a 3 month suspension of licenses held by Ms Bartley.

Appeal upheld, no restrictions remaining against Ms Bartley.

HRV RAD Board Panel: Tony Burns (Chairman)

Appellant Representative: Hamish Cockburn (written submissions only)

HRV Representative: Paul Czarnota

Mark Pitt

Against restrictions imposed by the stewards under Rule 183 and Rule 15(d) including a 3 month suspension of licenses held by Mr Pitt.

Appeal upheld, no restrictions remaining against Mr Pitt.

HRV RAD Board Panel: Tony Burns (Chairman)

Appellant Representative: Hamish Cockburn (written submissions only)

HRV Representative: Paul Czarnota

TRANSCRIPT OF PROCEEDINGS

RACING AND DISCIPLINARY BOARD

ANTHONY BURNS, Chairman

EXTRACT OF PROCEEDINGS

**NATHAN JACK
AMANDA TURNBULL
LISA BARTLEY
MARK PITT**

DECISION

WEDNESDAY 14 SEPTEMBER 2016

MR P CZARNOTA appeared on behalf of the HRV Stewards

MR D SHEALES appeared on behalf of MR JACK

MR S TOVEY appeared on behalf of MS TURNBULL

MR H COCKBURN appeared on behalf of MS BARTLEY AND MR PITT

Thank you for the submissions Mr Tovey and Mr Sheales and also the written submissions of Mr Cockburn. The stewards powers, whilst not unfettered, are important in the context of protecting and maintaining the integrity of the industry and I make no criticism of the course that the stewards have taken. This investigation commenced more than a year ago. No person is yet charged. Even charges of themselves carry little weight as it is the evidence underlying those charges which becomes relevant. Compelling reasons are necessary to suspend persons prior to being charged, the stewards rely here on only the act of arrest by police and nothing more. They invoke, quite rightly, the need to maintain and protect the industry and the need to preserve public confidence in the industry. That however must be balanced against the damage to livelihood and reputation of the applicants. They have, even if charged, a right to be presumed innocent. At the moment not even allegations are put against them. Here reading Rule 183 and 183(a) together suggests that at least a prima facie case is required to justify suspension pending the outcome of proceedings. Here the evidence gets nowhere near a prima facie case. The bare fact of an arrest and the context of

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protecting the integrity and public confidence of the industry is not a compelling reason to suspend and even if it was it would not here outweigh the circumstances personal to the applicants. In all the circumstances the only reasonable course is to grant the stays sought by all four applicants. Of course if circumstances change and the stewards have available to them more evidence and of course they have liberty to take the same action they are now taking again.

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