



INTERNAL REVIEW DECISION

(Internal Review Decision Notice in response to an Application for Internal Review)

PART 1: Details of Internal Review	
Internal Review Number:	Internal Review 0049-17
Applicant's Name:	P McMullen
Original Decision:	Breach of rule 163(1)(a) of the Australian Harness Racing Rules
Original Decision Makers:	N Torpey, M Ross, S Shinn, D Kays
Date of Original Decision:	17 June 2017
Internal Review Decision:	Original decision of charge and penalty confirmed
Internal Review Decision-Maker:	Mr Kane Ashby, Internal Adjudicator, Queensland Racing Integrity Commission
Date of Internal Review Decision:	5 July 2017
PART 3: Summary of Internal Review Application	
<p>The Applicant, Mr Peter McMullen, driver of WATCH PULP FICTION (NZ) in race 7 at Albion Park on 17 June 2017, was found guilty of a charge under Australian Harness Racing Rule 163(1)(a).</p> <p>The stewards' report states: "<i>Stewards inquired into the reason for BLING IT ON (M Jones) falling when racing on the outside of WATCH PULP FICTION (NZ) (P McMullen) at the 300m point. After taking evidence from the driver's concerned P McMullen was found guilty of the contravention of Rule 163 (1) (a) for being careless when shifting WATCH PULP FICTION (NZ) wider on the track which as a result of its movement caused BLING IT ON to be checked and fall. P. McMullens's licence to drive in races was suspended for a period of three weeks. In deciding penalty, whilst noting the severity of the interference, Stewards however were mindful of P McMullen's good record in relation to this rule. At the request of P McMullen stewards stayed the imposition of the penalty until midnight on Wednesday 22 June 2017. A subsequent veterinary examination of BLING IT ON found the horse had suffered injuries to both fore legs. BLING IT ON was declared ineligible to start until a veterinary certificate of fitness is produced.</i>"</p> <p>The Applicant sought a review of charge and penalty.</p>	
PART 4: Reasons for Internal Review Decision	
<p>Subsequent to viewing the race footage, the reviewer finds the Applicant, driver of WATCH PULP FICTION, was travelling in a three wide position on the back of AVONNOVA near the 300m, before permitting his horse to shift wider on the track and contacted the legs of BLING IT ON resulting in that horse falling. Prior to the incident, BLING IT ON had gained clear running to the outside of WATCH PULP FICTION before that horse attempted to shift to the outside of AVONNOVA, which ultimately resulted in BLING IT ON falling. The reviewer accepts there was movement from IDEAL SCOTT which was hanging out onto AVONNOVA leading into the incident, however at the time of the incident, the inside horses remained straight and had no bearing on the incident. The reviewer does not accept submissions the driver of AVONNOVA's whip contributed to WATCH PULP FICTION shifting out and making a break. In considering the evidence and submissions the reviewer is satisfied the original charge is proven.</p>	



The reviewer acknowledges the sub-section of rule 163(1)(a) was not stipulated on the penalty notice. The reviewer is satisfied the offence related to sub-section (iii) 'interference' which is consistent with the audio of inquiry.

The Applicant's disciplinary record notes the most recent offence under this rule was in September 2015. The standard penalty for an offence under this rule is a suspension of licence for a minimum of two weeks. The reviewer, in all circumstances is satisfied the original decision on charge and penalty is appropriate and therefore confirms the original decision.

PART 5: Review Rights following Internal Review Decision

In accordance with section 246 of the *Racing Integrity Act 2016*, as the applicant for an internal review of the original decision, you are able to apply to the Queensland Civil and Administrative Tribunal (QCAT) for an external review of the internal review decision.

An external review is commenced by lodging the appropriate forms with QCAT. In accordance with section 33 of the *Queensland Civil and Administrative Tribunal Act 2009*, an application for an external review of an internal review decision is to be made within 28 days from the day this internal review decision notice is provided to the applicant.

For further information regarding the processes for an external review of the decision, please contact QCAT:

Queensland Civil and Administrative Tribunal

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