

IN THE HRV RACING APPEALS AND DISCIPLINARY BOARD

BETWEEN:

MARK PITT AND LISA BARTLEY AND NATHAN JACK

Appellants

and

HARNESS RACING VICTORIA STEWARDS

Respondent

THE APPEAL

1. This is an appeal from a decision of Harness Racing Victoria (HRV) Stewards made on 26 September 2018 against each of the Appellants. On that date, the Stewards invoked their discretionary powers as provided to them pursuant to Australian Harness Racing Rules (AHRR) 183(c), (d) and 15(d) until the completion of the Stewards' investigation. In exercising these powers, the Stewards determined pursuant to rule 183(c) that horses owned or trained by the appellants shall not be nominated for or start in a race; pursuant to rule 183(d) that all licences held by the appellants be suspended and pursuant to rule 15(d) that the appellants be excluded from all racecourses.

SUMMARY

2. On 22 June 2015 the horse Airbournemagic won race 4 at Cobram driven by Mark Pitt, one of the applicants. The opening price for this horse on betting agency Bet 365 was \$35.00 and it was backed into \$4.80 by the time the race started.
3. On 7 September 2018 all the appellants were found guilty at the Magistrates' Court of Victoria of committing breaches of various provisions of section 195 of the *Crimes Act 1958* (Vic) in relation to the above race by engaging in conduct to corrupt a betting outcome and using corrupt conduct to obtain information for betting. The alleged corrupt conduct related to the driving of Airbournemagic by Mark Pitt and the driving of the horse Tooram Lad by Nathan Jack which finished third in the race. It was alleged that Nathan Jack drove Tooram Lad to the front to lead Airbournemagic and continued at a fast tempo in order to provide an advantage to Airbournemagic and a disadvantage to Tooram Lad and other horses in the race and that Mark Pitt was fully aware of this plan and its purpose and cooperated in its implementation. Lisa Bartley, daughter of David Bartley, who was registered as the trainer of Airbournemagic prior to and on the day of the race, was alleged to have participated in the corrupt activities. Nathan Jack was convicted and fined \$20,000, Mark Pitt was convicted and fined \$15,000 Lisa Bartley was fined \$5000 without conviction. Each of the appellants were found guilty of criminal conduct.
4. On 26 September 2018 the Stewards exercised their discretionary powers with respect to the appellants pursuant to rules 183(c), (d) and 15(d) of the AHRR.
5. The appellants then appealed against the steward's determination to this Board, the Harness Racing Victoria Racing Appeals and Disciplinary Board (RAD Board).
6. The appellants appeal was heard on 9 November 2018. At the hearing, oral and written submissions were made by counsel representing the applicants and the respondents being the HRV Stewards. We have read the documents tended before us and the cases referred to by counsel in their submissions.

After careful consideration of these documents, the submissions of the parties and the relevant matters, we have decided that the appellants' appeal against the steward's determination should be dismissed. We set out below our reasons.

BACKGROUND AND CHRONOLOGY

7. Airbournemagic (driven by Mark Pitt) won race 4 at Cobram on 22 June 2015. The registered trainer of Airbournemagic was David Bartley (the father of Lisa Bartley).
8. Between 7 May 2015 and the day of the race, David Bartley had placed Airbournemagic in the care of his daughter, Lisa Bartley.
9. Airbournemagic had opened the betting on bet 365 at \$35.00 and was backed into \$4.80 when the race started.
10. The day after the race (23 June 2015) the Stewards commenced an investigation concerning the race.
11. On 13 November 2015, HRV contacted the Victoria Police Sports Integrity and Intelligence Unit and requested that it conduct its own investigation into the race.
12. On 28 August 2016 the appellants were interviewed by police. On that date Stewards imposed a three month temporary restriction on each of the applicants.
13. On 14 September 2016 the RAD Board granted a stay against the Stewards exercising such discretion.
14. On 11 January 2017 the appellants were charged with criminal offences pursuant to the betting outcome provisions of the *Crimes Act 1958*. See section 195C of the *Crimes Act 1958*.
15. As a result of the appellants being charged Harness Racing Stewards exercised their power under the stand down provisions of AHRR 183(c) and (d) and 15(d).
16. On 8 February 2017 the RAD Board granted a stay against the Stewards exercising their power to stand down the applicants from the harness racing industry.
17. On 7 September 2018, the appellants were found guilty in the Magistrates' Court of Victoria of charges under the provisions of section 195 of the *Crimes Act 1958* (Vic) in that they engaged in conduct that corrupts or would corrupt the betting outcome of an event. Nathan Jack was convicted and fined \$20,000.00. Mark Pitt was convicted and fined \$15,000.00. Lisa Bartley was fined \$5,000.00 without conviction. The appellants have lodged Notices of Appeal to the County Court against the convictions and sentences of the Magistrates' Court.
18. On 7 September 2018, the Stewards provisionally invoked AHRR 183(c) and (d) and 15(d) (**the provisional suspension**) and invited submissions as to whether the provisional suspension should remain in place pending completion of the Stewards' investigation.
19. Having considered submissions on behalf of the appellants, the Stewards on 26 September 2018 suspended the appellants until the completion of the HRV Steward's investigation (**the interim suspensions**).

20. The appellants lodged Notices of Appeal against the determination of the stewards with the RAD Board on 1 October 2018.

RELEVANT AUSTRALIAN HARNESS RACING RULES AND LEGISLATION

21. Rule 183 provides the Stewards with the discretion to make directions pending the outcome and an inquiry and states:

‘Rule 183 – Action pending outcome

Pending the outcome of an inquiry, investigation or objection, or where a person has been charged with an offence, the Stewards may direct one or more of the following –

- (a) that a horse shall not be nominated for or compete in a race;*
 - (b) that a driver shall not drive or otherwise take part in a race;*
 - (c) that the horses of certain connections shall not be nominated for or start in a race;*
 - (d) that a licence or any other type of authority or permission be suspended.’*
22. Rule 15(1)(d) provides that Stewards are empowered to exclude or direct the removal of a person from a racecourse.
23. Rule 267(1) provides that *‘the Stewards may for such period and on such conditions as they think fit, disqualify a person who is guilty of a crime or an offence in any State or Territory of Australia or in any country’.*
24. The power of the RAD Board to grant a stay derives from sections 50N and 50O of the *Racing Act 1958 (Vic)* (the Act). Section 50N(1)(i) states that the RAD Board may make interim orders and section 50O(1)(b) states that *‘in the determination of any matter before the HRV Racing Appeals and Disciplinary Board, the Board may ... make any decision or order that the Board considers is required in the interests of justice, including the imposition of any penalty under the Rules’.*
25. Pursuant to section 50N(1) of the Act, the RAD Board:
- (e) may conduct the re-hearing of a matter by affidavit, statutory declaration or oral evidence;*
 - (f) is not required to conduct a hearing as a de novo hearing;*
 - (k) is bound by the rules of natural justice;*
 - (l) may otherwise regulate its own procedure.’*

APPEALS BY THE APPELLANTS TO THE COUNTY COURT AGAINST CONVICTIONS AND SENTENCES BY THE MAGISTRATE’S COURT

26. On 20 September 2018, the appellants lodged appeals to the County Court against the decision made by the Magistrates’ Court against conviction and sentence on 7 September 2018.

27. An appeal to the County Court from the judgement of the Magistrates' Court proceeds as a complete rehearing. Upon the hearing of an appeal the County Court must set aside the sentence of the Magistrates' Court (section 256(2)(a) of the *Criminal Procedure Act 2009*). There is a presumption of innocence and the onus remains on the prosecution to prove its case. The County Court must also warn the appellants, as early as possible during the hearing, that the appellant faces the possibility that a more severe sentence may be imposed than that imposed by the Magistrates' Court (section 256(3)).
28. However, until the County Court appeal is heard, the convictions and sentences imposed by the Magistrates' Court stand.
29. Counsel for the appellants informed the Board that inquiries he had made with the County Court indicated that the appeal would not be able to be heard prior to 20 January 2020.

DECISION

30. Mr Damian Shields of counsel appeared on behalf of all the appellants and Mr Adrian Anderson of Counsel appeared on behalf of the respondent.
31. During the hearing Counsel for the appellants submitted that the Board should treat this appeal as a hearing de novo. We accepted this submission and proceeded accordingly. (See *Demmler v Harness Racing Appeals and Disciplinary Board [2015 VCAT] 648 (13 May 2015)* at paragraph 38 where Jenkins J states:

'In my view, the of Racing Act 1958 is quite clear in giving broad jurisdiction to the Board, in its discretion, to conduct the rehearing as a hearing de novo, in appropriate circumstances. Equally, it is empowered to affirm the decision made by the Stewards, provided the Board is satisfied that the Stewards have afforded the Applicant a right to be heard and that their decision is justifiable in the circumstances. It is not incumbent upon the Board to substitute its own decision or be satisfied that the Stewards made the precise decision that it would have made.'
32. The appellants did not attend the hearing and neither of the parties called any witnesses to give evidence.
33. We accept, as do the stewards, that each of the appellants will suffer substantial harm if a stay is not granted.
34. In making our determination, the Board accepts (as did Counsel for both parties at the hearing) that the role of the Stewards is vital and that they have special knowledge of the harness racing industry. Their actions, pending the outcome of an investigation, are protective of the industry.
35. We accept that misconduct by trainers and drivers has real potential to impact on the interests of various persons, not just those in the Harness Racing Industry itself, but importantly on public confidence in the integrity of harness racing in the State and the reputation of the harness racing industry. On any view, the charges before the Magistrates' Court are very serious and constitute race rigging, which is particularly injurious to the industry.

36. We accept with respect to disciplinary board hearings that the protection of the public interest and integrity of the harness racing industry must be taken into account and in applications for a stay of proceedings before disciplinary tribunal's particular care is needed to be exercised before a stay should be granted. (See *Maund v Racing Victoria Ltd & Anor* [2015] VSCA 276 (8 October 2015) at paragraph 39 where Cavanough AJA states:

"It is true that where the decision in question includes a disciplinary penalty imposed under a regulatory regime, particular care may need to be exercised before a stay is granted."

37. We accept that the affidavit of Mr Dale Monteith, Chairman of Harness Racing Victoria sworn 7 November 2018 (**the Monteith affidavit**) provides evidence of the concerns of and damage to the harness racing industry if the appellants remain in the industry pending the appeal.
38. Mr Monteith's affidavit was not challenged by Mr Shields acting on behalf of the appellants.
39. Mr Monteith's statements in his affidavit include:

Paragraph 7: *"In my view, maintenance of the sport's integrity and the image of the sport's integrity is the single most important issue confronting the harness racing industry. Race fixing is the most pernicious threat of all to the confidence of the racing public in the integrity of the industry."*

Paragraph 8: *"The creation of a level playing field where all participants and investors in the industry can confidently continue to support the industry knowing races are not fixed is crucial to the well-being and survival of harness racing in Victoria. It is an industry that contributes about \$420 million a year to the State economy and provides approximately 4000 jobs, mainly in regional Victoria."*

Paragraph 10: *"Flat or reduced income from wagering in recent years has been and remains a major issue confronting the industry. The lack of attractiveness of harness racing from a wagering perspective is in my opinion partly attributable to an image that insufficient measures are being taken to protect the betting public from various practices by participants who seek to gain an advantage over the wider industry."*

Paragraph 14: *"At a recent meeting of HRV's Harness Racing Advisory Council on which there are representatives of all kindred bodies, significant concerns were expressed about the message that would be sent to the public if the 3 participants found guilty of these offences are allowed to continue to be involved simply because they have appealed."*

Paragraph 15: *"The continued participation of the appellants after being found guilty by a judicial officer of race fixing offences beyond reasonable doubt would be damaging to the integrity of the industry and the public perception of the integrity of the industry. The fact that they have appealed does not change this perception. In particular the fact they have appealed does not change the public's awareness of the fact that they have been found guilty of these very serious offences. To permit their continued involvement would be damaging to the reputation of harness racing in Victoria and would further reduce public confidence in continuing to bet on the sport."*

Paragraph 17: *"Since March 2016, HRV, supported by the State Government, has invested heavily in integrity functions for the Victorian harness industry. This investment by funding and increased*

resources has included the doubling of post-race swabs out of competition drug testing for both horses and participants, phone monitoring and detection devices, the use of drones for surveillance and additional investigative and veterinarian staff. In my opinion to permit the continued involvement of the appellants would mitigate heavily against all these initiatives and this investment by HRV, supported by the State Government."

40. We also refer to the affidavit of Mr Brent Fisher, General Manager of Integrity at HRV, sworn 31 October 2018 which is listed in the index of the Stewards' exhibits page 1.

41. Mr Fisher's affidavit was not challenged by Mr Shields acting on behalf the appellants.

42. Mr Fisher's statements in his affidavit include:

Paragraph 12: "Following the applicants being found guilty of charges relating to race-fixing on 7 September 2018, there has been significant media coverage of the matter. Now produced and shown to me and marked as exhibit "BF-9" are copies of newspaper articles in the Herald Sun dated 7 September 2018 and the Shepparton News dated 8 September 2018"; and

Paragraph 14: "The applicants have been found guilty in the Magistrates Court of charges relating to race fixing. The HRV Stewards treat persons being found guilty of race fixing very seriously. The corruption of a race or betting event strikes at the very heart of the Harness Racing Industry. The industry exists only if the wagering public have confidence in the product. When participants involved in a race are found guilty of race fixing, there is a very real prospect that confidence of the betting public may be eroded if those parties remain participating in the sport. Additionally, in my view the image of Harness Racing will be adversely affected more broadly in the eyes of the general public if the applicants are allowed to participate in the industry prior to the hearing of their appeal."

43. We note that the appellants have not been charged with any offence under the *Racing Act 1958* or the AHHR. We understand that it is the practice of the Stewards not to charge the appellants with offences until the criminal proceedings have been concluded. We note that Mr Fisher, in his affidavit, in paragraph 17 stated that:

"The Stewards have not issued charges under the Australian Harness Racing Rules (AHRR) until the applicants have exercised their appeal rights through the courts. However, the stewards shall proceed with issuing charges against the applicants under the AHRR regardless of the result of the Court proceedings, and shall be seeking lengthy qualifications from the industry against each."

44. We accept the importance of the public and of the participants (owners, breeders, trainers, drivers, officials, volunteers etc) in harness racing having faith in the integrity of the industry is vital. Harness Racing (like the other racing codes) relies principally on wagering on its races to provide income to fund stake money, promotion, infrastructure and administration.

45. To address the threat posed to the integrity of Australian sports by possible fixing matches, races and other sporting events, State parliament amended the *Crimes Act 1958* in 2013 and created the offence of engaging in conduct to corrupt the betting outcome of a race. In the second reading speech the Attorney General Mr Clark stated:

"This bill sends a very clear message that the fixing of sporting matches and other events will not be tolerated in Victoria. It is a key component of the government's commitment to a strong policy and legislative framework to protect the integrity of sports in Victoria, integrity which is vital if the confidence and passion of Victorian sports lovers is to be secured for future generations."

Section 195C was introduced which provides that a person must not engage in conduct that corrupts or would corrupt a betting outcome of an event or event contingency. The appellants have been found guilty of breaching this section. The section provides for a maximum penalty of 10 years imprisonment. **(Attachment B to the Monteith affidavit-second reading speech to the Bill.)**

46. As indicated in paragraph 29, the Board has been informed that the appellants appeal in the County Court will not be able to be heard prior to 20 January 2020. The appellants counsel submitted that if their appeal to this Board is dismissed and the suspension of the appellants licenses stays in place until that time, they will suffer significant reputational and financial harm as their sole source of income is derived from their activities as trainers and/or drivers in the harness racing industry.
47. Counsel for the respondent accepted that if the suspensions stay in place the appellants will be likely to suffer significant financial harm. However, he submitted that if the suspensions are lifted then the harness racing industry will suffer substantial damage to its integrity and reputation, with resultant reduction in wagering and therefore income. This in turn will have a severe adverse effect on the thousands of persons that participate in the industry and rely on its continued growth and success for their livelihoods. It will greatly damage the integrity of the harness racing industry to have the appellants, who have each been found guilty of corrupt conduct in rigging a race, remain in the industry for over a year before their appeal is held.
48. During oral submissions, Counsel for both parties agreed that, in order to come to a decision, the Board must embark on a balancing exercise and weigh the interests of protecting the industry against the interests of the appellants while at the same time taking into account the expertise of the HRV Stewards who have imposed the suspensions.
49. During the hearing we posed to Counsel for the parties the question as to what weight the Board should give to the finding of guilt, the convictions and sentences imposed by the Magistrates' Court, knowing that they will be set aside upon the hearing of the appeal.
50. Counsel for the appellants submitted that the Board should not give any weight to these matters as the County Court appeal will proceed as a re-hearing.
51. Counsel for the respondent submitted that we should give these matters very significant weight, taking into account that the appellants have been found guilty in a criminal court of breaches of the Crimes Act 1958 involving very serious misconduct, being race rigging, which has the potential to cause substantial erosion in the public's confidence in the integrity of the industry. It was strongly argued that persons who have been found guilty of such activity should not be permitted to have any further involvement in the industry. The finding of guilt and the criminal convictions will remain in force for at least a year until the County Court appeal is heard.
52. We consider that the finding of guilt of the appellants by the Magistrates' Court for conduct involving race rigging is a significant matter that the Board should take into account in coming to its decision.

53. The Board's decision in this case involves the exercise of a discretion.
54. It also involves a balancing exercise, taking into account in particular the interests of each of the appellants and the interests of the Harness Racing Board in protecting the integrity and reputation of the harness racing industry.
55. Mr Shields for the appellants made, in our opinion, relevant submissions to the granting of a stay.

These include that:

- it is accepted by the stewards that each of the appellants will suffer substantial harm if a stay is not granted;
 - an appeal to the County Court is a hearing de novo, that is a rehearing, and that the original order of the Magistrates' Court must be set aside on the hearing of the appeal and that the respondents cannot rely on the presumption that the decision of the Magistrates' Court is correct;
 - each of the appellants has been engaged in the harness racing industry under a stay for approximately 41 months without coming under the notice of the stewards for corrupt or wrongful conduct;
 - stays have been regularly granted by VCAT in appeals from this Board to VCAT involving serious offences; and
 - the County Court appeal will not be heard prior to 20 January 2020.
56. Mr Shields, sensibly in our opinion, did not press or argue the merits of the County Court appeal. The written submissions dated 6 November 2018 on behalf Mark Pitt and Lisa Bartley do make submissions about the evidence at the Magistrates Court hearing and of the strength of such evidence. We are not in a position to sensibly do that. The Board does not have a transcript of the proceedings and the evidence given in the hearing in the Magistrates Court. We do not know what witnesses gave evidence or what they said and accordingly we are not in a position to examine properly the merits of the County Court appeal. Neither side in the hearing before us argued or made submissions about the merits of the County Court appeal. In any event, it is an appeal de novo.
 57. We note that Mr Shields, on behalf of all the appellants, did not make any distinction between the roles of the appellants in relation to their culpability for criminal conduct.
 58. The involvement of each of the appellants in the harness racing industry is briefly set out in the written submissions of the parties and we shall not repeat that here. Suffice to say that Mark Pitt is a licensed A grade trainer/driver who was 21 years of age at the time of the offending. Lisa Bartley was the holder of a C class driver's license and was 20 years of age at the time of offending. Nathan Jack is the holder of an A class driver's license. The appellants each derive their sole source of income from their involvement in the harness racing industry.
 59. We note that in the written submissions dated 6 November 2018 on behalf of Mark Pitt and Lisa Bartley the expression "*alleged offending*" is used. This is not correct as the appellants were found guilty of corrupt conduct in a criminal court.

60. In his submissions Mr Shields referred the Board to several cases including *Demmler v HRV Stewards* [2015] VCAT 648, *Simiana v RAT of NSW* 18/8/2017 and *Maund v Racing Victoria Limited and Anor* [2015] VSCA 276.
61. While these cases are helpful in some respects, we consider that each case has to be determined on its own set of facts. The case before us involves a finding beyond reasonable doubt by a properly constituted criminal court that the appellants were involved in corrupt conduct, namely race rigging in breach of the provisions of the Crimes Act 1958. None of the cases put before us involves a finding of guilt and convictions for a very serious criminal offence as this one does and we consider this is a distinguishing factor which we need to take into account.
62. Mr Anderson for the stewards also made relevant submissions. These include that:
- protection of the integrity and reputation of the harness racing industry is vital;
 - to allow the appellants with criminal convictions (or a finding of guilt - Bartley) for corrupt conduct involving race rigging to remain in the industry would bring the integrity and reputation of the harness racing industry into serious question;
 - corruption involving race rigging goes to the very heart of the integrity and reputation of the harness racing industry;
 - the affidavit of Mr Monteith makes abundantly clear the adverse effect on the harness racing industry of race rigging;
 - the conviction of Nathan Jack and Mark Pitt and the finding of guilt by the Magistrates' Court against Bartley will now prevail for at least a year. To allow the appellants, with these findings, to remain in the industry for that length of time is likely to have serious adverse effects on the integrity and reputation of the industry;
 - AHRR 183(c), (d) and 15(d) by their terms permit the Stewards to exercise their discretion to invoke the stand down provisions prior to the conclusion of their investigation; and
 - cases involving appeals to VCAT have generally not involved situations where the appellants have been found guilty by a criminal court in relation to corrupt conduct.
63. Mr Anderson also referred us to decisions of the NSW Racing Appeals Tribunal in the cases of *Bennett* (31 July 2013), *Sarina* (4 April 2013), *Hayward* (10 December 2012) and *Turnbull* (24 April 2017) which dealt with appeals from decisions of the stewards to suspend under ARHH 183. In each case, the Tribunal considered that the appropriate exercise of discretion included the balancing of the protection of the industry against the personal interests of the appellant.
64. In *Bennett*, *Sarina* and *Hayward* the Tribunal upheld the discretion of the Stewards to suspend under ARHH 183 in circumstances where the protection of the industry outweighed the personal circumstances of the appellant. The same conclusion was reached by the NSW Racing Appeals Tribunal on 12 April 2017 concerning the appeal of John Howson against the imposition of an interim suspension under GR 92(5).

65. In relation to personal interest, Mr Armati noted in *Bennett*:

“As it has said on many occasions, hardship which is occasioned by such decision-making must, if it is appropriate, not stand above any greater principle such as integrity or protection.”

We note there are two procedural streams in operation; the criminal procedure stream and the civil procedure stream. In respect of the criminal procedure, the penalties imposed by the Magistrates' Court may seem quite modest, no doubt due to the lack of prior convictions etc. On the other hand, in respect of the civil procedure the penalties which have been imposed by the RAD Board for behaviour that amounts to race rigging have included lengthy periods of disqualification. In the case of *Shayne Cramp v Harness Racing Board* (date of decision 29 February 2016) the RAD Board ordered that Mr Cramp be disqualified for a period of 12 years, which order was upheld by in the decision of Senior Member Proctor of VCAT (*Shayne Cramp v Harness Racing Victoria Racing Appeals and Disciplinary Board* [2017] VCAT 471).

CONCLUSION

66. The task of assessing the balancing exercise in the circumstances before us has not been straightforward. The reason for this is that each side has presented cogent reasons in support of their respective cases and which we have taken into account in the balancing exercise.
67. Disciplinary board hearings operate in a unique framework. Protection of the integrity of the industry that such Boards operate in is vital. As Cavanaugh AJA stated in Maund's case, stay arguments operate in a different framework with respect to disciplinary Tribunals compared to civil and commercial disputes. Before a stay is granted, careful assessment of all the facts is required.
68. We have approached our task on the basis of carefully considering all the reasons put forward by each of the parties and making a determination in all the circumstances before us.
69. In our opinion, despite the fact that the findings of guilt that were made against each appellant at the Magistrates Court are under an appeal to the County Court (which is an appeal de novo) and that each of the appellants will suffer substantial harm if a stay is not granted, we consider that their appeal should be dismissed.
70. The Board is of the opinion that the continued participation of the appellants in the harness racing industry following findings of guilt against all appellants for breaches of the Crimes Act 1958 for corrupt behaviour involving race rigging, which is exceptionally serious misconduct, is highly likely to have a significant adverse impact on the integrity and the reputation of the harness racing industry.
71. We assess the risk to the harness racing industry's integrity and reputation should the appellants remain in the industry to be high.
72. We find that there are compelling reasons why the appellants appeal against the determination of the stewards should be dismissed.
73. In our opinion, in all the circumstances, the integrity and image of the harness racing industry outweigh the personal circumstances advanced on behalf of each the appellants in this case.

74. We consider that the determination of the stewards made on 26 September 2018 in exercising their powers under **AHRR** 183(c) and (d) and 15(d) was appropriate.

ORDER

75. That the appeal of each of the appellants against the Stewards' decision made on the 26 September 2018 to exercise their discretionary powers pursuant to **AHRR** 183(c), (d) and 15(d) is dismissed. The determinations made by the Stewards on 26 September 2018 are to remain until the conclusion of the County Court appeal or until further ordered.

Judge Graeme Hicks, Chairman.

Robert Abrahams, Panel Member.

16 November 2018.