



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 0019-19
Applicant's Name:	Bradley Stewart

PART 2: Decision History

Original Decision:	Breach of Rule 131(a) of the Australian Rules of Racing
Original Decision Makers:	D Aurisch, N Boyle, I Brown, R Hanson
Date of Original Decision:	6 March 2019
Internal Review Decision:	Original decision of charge and penalty confirmed – twelve (12) day suspension
Internal Adjudicator:	Kane Ashby, Queensland Racing Integrity Commission
Date of Internal Review Decision:	4 April 2019

PART 3: Summary of Internal Review Application

The Applicant, Mr Bradley Stewart, rider of ROCK 'N' SOL in Race 5 at Doomben on 6 March 2019, was found guilty of a charge of careless riding pursuant to Australian Rule of Racing 131(a).

Australian Rule of Racing 131(a) states:

"A rider must not, in the opinion of the Stewards: (a) engage in careless, reckless, improper, incompetent or foul riding"

At the Stewards' inquiry conducted on 6 March 2019, the Applicant was found guilty of a charge of careless riding pursuant to a Australian Rule of Racing 131(a) in that near the 350 metre mark he permitted his mount ROCK 'N' SOL to shift out around the heels of HIGH I CUE when not clear of QUOTANT causing it to be checked and lose ground.

Stewards subsequently suspended the Applicant's license for 12 days to commence at midnight on 13 March 2019 and to expire at midnight on 25 March 2019.

The Applicant sought a review of the penalty and submitted the following in support of his Application:

"I am not guilty of the careless riding as the horse itself shifted out abruptly as stated by the Jockey who was interfered with. Once the horse moved out it was too late for me to able to correct or straighten the horse"

The outcome sought by the Applicant is that the penalty be reduced to a Reprimand.

PART 4: Reasons for Internal Review Decision

Stewards opened an inquiry into the alleged aforementioned incident that occurred near the 350 metre mark of the race.



The reviewer is advised due to a recording malfunction with the audio of inquiry there was no evidence recorded and hence no transcript provided as part of the review. The reviewer subsequently provided the Stewards and Applicant with the opportunity to provide any further submissions particular to the evidence provided during the stewards inquiry.

Mr Daniel Aurisch, Deputy Chairman of Stewards - Thoroughbreds of the Queensland Racing Integrity Commission and Chairman of the inquiry provided submissions dated 27 March 2019 stating "Brad Stewart was travelling well behind the leading division and looking to shift out to improve around the heels of High I Cue. *When he did so he wasn't clear of Quotant (M Du Plessis). Du Plessis's evidence was that the shift came quick and he wasn't sure that Stewart needed or meant to shift out so abruptly. He did say that he had to restrain to avoid his heels but did play the incident down in that his interference wasn't as significant as we say it was. The panel was unanimous in their decision that Brad Stewart had to face a charge of careless riding for the interference, it was our view that he permitted his mount to shift out around the heels of the leaders, and we didn't concur with the evidence of Du Plessis in that we say he had no other option but to restrain from heels and shift very wide. They were of the opinion that the carelessness exhibited by Stewart was a mid-range offence and the interference was also in the mid-range in that Du Plessis could have clipped heels and come to grief. The mid (range) offences normally attract a 13 day suspension but we did acknowledge Brad Stewart's good recent record and reduced it by 1 and arrived at the 12 day suspension*".¹

Mr Neil Boyle, Senior Stipendiary Steward of the Queensland Racing Integrity Commission provided submissions dated 25 March 2019 stating "*My recollection of the evidence during the inquiry was that jockey Stewart stated that it was his intention to come to the outside of the heels of High I Cue however in doing so Rock'N'Sol when being directed outwards overreacted and shifted out further than he would have liked. Jockey Stewart was adamant that this was not his intention to shift out that far. Jockey Mark Du Plessis explained that passing the 350m he had to check his mount when awkwardly placed at the heels of Rock'N'Sol which shifted out and forced him wider on the track*".²

The Applicant was provided the submissions made by the Stewards and was invited to respond. The Applicant rider of ROCK 'N' SOL provided submissions dated 2 April 2019 stating "*When you have a look at slow motion of the incident, you'll note at no time, is my horses head turned out. That would indicate I didn't intentionally come out at that point. This is consistent with jockey Du plessis evidence on the day, suggesting he thought my horse seemed to duck out of it's own accord*".³

Subsequent to viewing the race footage, the reviewer finds near the 350 metre mark the Applicant rider of ROCK 'N' SOL, was momentarily held up for clear running behind KATY BOOM, before subsequently permitting his mount to shift to the outside of HIGH I CUE, which was racing to the outside of KATY BOOM, when insufficiently clear of QUOTANT, resulting in QUOTANT having to be checked to avoid the heels of ROCK 'N' SOL and as a consequence was forced wider on the course. The reviewer accepts the Applicant was charged with careless riding whereby intent is not required, and finds the Applicant angled out in an attempt to gain clear running at the expense of QUOTANT, and accordingly rejects the Applicants submissions stating "*the horse itself shifted out abruptly*".⁴ The reviewer finds the onus is on the rider shifting ground (in this instance the Applicant) to ensure he is sufficiently clear of other horses beforehand to avoid causing interference. The reviewer, having considered the evidence and aforementioned factors and in particular taking into account the race footage is completely satisfied the charge the subject of review is proven.

¹ Mr Daniel Aurisch email dated 27 March 2019.

² Mr Neil Boyle email dated 25 March 2019

³ Applicant email dated 2 April 2019.

⁴ Applicant email dated 2 April 2019.



The Stewards deemed the carelessness to be in the mid-range. The standard penalty for a mid-range offence is a thirteen (13) day suspension. The Applicant's disciplinary history demonstrates the last careless riding offence was in November 2018.

In weighing up the evidence particular to penalty, consideration was provided to the Applicant's submissions, degree of carelessness, severity of interference, not-guilty plea and disciplinary history. The reviewer, in considering the totality of the incident and taking into account the aforementioned factors, finds the penalty is consistent with a mid-range offence and is not satisfied a further reduction in penalty is proven in the circumstances and accordingly confirms the original decision on charge and penalty.

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

Registry Location: Level 9, 259 Queen Street, BRISBANE QLD 4001
Postal Address: GPO Box 1639, BRISBANE QLD 4001
Phone: 1300 753 228
Email: enquiries@qcat.qld.gov.au