



**INTERNAL REVIEW DECISION**  
**(Internal Review Decision Notice in response to an Application for Internal Review)**

**PART 1: Details of Internal Review**

<b>Internal Review Number:</b>	Internal Review 0017-18
<b>Applicant's Name:</b>	Les Tilley

**PART 2: Decision History**

<b>Original Decision:</b>	Breach of Rule 137(a) of the Australian Rules of Racing
<b>Original Decision Makers:</b>	J Williamson G Meek, S Heidke, M Heath
<b>Date of Original Decision:</b>	28 February 2019
<b>Internal Review Decision:</b>	Original decision of charge and penalty confirmed – Eight (8) day suspension
<b>Internal Adjudicator:</b>	Mr Kane Ashby, Queensland Racing Integrity Commission
<b>Date of Internal Review Decision:</b>	20 March 2019

**PART 3: Summary of Internal Review Application**

The Applicant, Mr Les Tilley, rider of ARJAYCEE in Race 1 at the Rockhampton Jockey Club on 28 February 2019 was found guilty of a charge of careless riding pursuant to Australian Rule of Racing 137(a).

Australian Rule of Racing 137(a) states:

*"Any rider may be penalised if, in the opinion of the Stewards, he is guilty of careless, reckless, improper, incompetent or foul riding."*

At the Stewards' inquiry conducted on 28 February 2019, the Applicant was found guilty of a charge of careless riding pursuant to Australian Rule of Racing 137(a) in that he directed his mount ARJAYCEE to the outside of CRAIGLEA ALTONA to secure clear running and in doing so made heavy contact with WICKED PEARL, causing that horse to be shifted wider, become unbalanced and lose ground.

Stewards subsequently suspended the Applicant's license for eight (8) days to commence at midnight on 7 March 2019 and to expire at midnight 5 March 2019.

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

*"I'm applying for an Internal review under the circumstances due to what I believe is an unfair suspension. My mount Arjaycee is very green racing 2 year old having her second start. When my mount shifted ground very quickly and abruptly I immediately ceased my riding and corrected her. The mount to my outside Wicked Pearl was also shifting ground and leaning in. The head on film supports this and the rider also stops and corrects. Due to the circumstances of a 2 year horse namely there first few starts its expected a few things will go wrong and I believe I did everything in my power to safely correct my mount".*



The outcome sought by the Applicant was that the decision of the stewards to suspend the Applicant's license be set aside.

#### PART 4: Reasons for Internal Review Decision

Stewards opened an inquiry into the alleged aforementioned incident that occurred near the 200 metre mark of the race.

Mr James Williamson Stipendiary steward of the Queensland Racing Integrity Commission and Chairman of the inquiry provided an observation of the incident stating *"there was an incident in the home straight I observed, and also I was given a bit of an appraisal of things by yourself, Mr Tilley, at scale. My observations of the incident was it appeared you were going to go to the inside of David Hayse's mount, the eventual winner. It appeared you - the run started to close. You looked to your outside and then shifted out around that horse's heels and made heavy contact with Nathan Thomas's mount. It appeared from my observations that it was a case of you looking for clear running"*.<sup>1</sup>

Mr Nathan Thomas rider of WICKED PEARL, which was racing to the outside of ARJAYCEE in evidence stated *"My horse was laying in from the top of the straight to that point. Just before that I was – as I say, just starting to quicken marginally and laid in on top of the winner, and I just endeavoured to come away a bit from that runner's heels, and then obviously I made contact with Les Tilley's mount and it raced a bit one-paced from there."* The Chairman of inquiry questioned *"You say made contact. Did you say you initiated contact or ----"* to which Mr Thomas replied *"I didn't think so. I thought I was just sort of holding the line. My horse had an awkward head carriage for most of the race, so I was actually (inaudible) with its head laying to one side, but I wouldn't say was laying bad. It just had its head awkward. I didn't think I initiated contact"*.<sup>2</sup>

The Applicant, rider of ARJAYCEE in evidence state *"Yes, just like you stated. The run between Justin Stanley and David Hayes was closing, and I was pretty well shoulder to shoulder in line with jockey Thomas. I was moving across David Hayes's heels – drifted out a little bit just to try and get to the outside of his heels. I wasn't really in a rush to get across. As it was I was only (inaudible) get going. I did put one across – one behind the girth (inaudible) I stopped, straightened it and went to go again and put one more back there and she just darted out underneath – underneath me. Luckily enough I was shoulder to shoulder with jockey Thomas as I did. But after that she just wanted to get out the whole way – the last 100 metres. I don't know if I hit her in the wrong spot or something and she's took fright and (inaudible) but my intentions was to ease across the heels of David Hayes and slowly come through the gap, as she was quite scared and I wasn't really looking for an abrupt move in as it's already – as it has (inaudible)." The Chairman of inquiry questioned *"You were looking to get to the outside of David Hayes to get clear running at that stage?"* to which the Applicant replied *"Yes, sir. She was never going to go between runners. She was really scared, and I was just coming across the heels of David Hayes. I was easing across heels (inaudible) [at the] 250 metres when I started to make my way out until I put one behind the girth and she just (inaudible) underneath me"*.<sup>3</sup>*

Subsequent to viewing the race footage, the reviewer finds near the 200 metre mark the Applicant rider of ARJAYCEE, when riding forward with the whip permitted his mount to shift to the outside of CRAIGLEA ALTONA, where there was insufficient room and as a consequences severely bumped WICKED PEARL, resulting in WICKED PEARL being severely hampered and becoming unbalanced and as a consequence lost ground. The reviewer finds the Applicant directed his mount out into a run that was never there in an attempt to gain clear running. The reviewer having considered the evidence and aforementioned factors, is completely satisfied the charge the subject of review is proven.

<sup>1</sup> Transcript of Stewards inquiry dated 28 February 2019 page 2.

<sup>2</sup> Transcript of Stewards inquiry dated 28 February 2019 page 2.

<sup>3</sup> Transcript of Stewards inquiry dated 28 February 2019 page 3.



The stewards deemed the carelessness to be in the low-range. The standard penalty for a low-range offence is a ten (10) day suspension. The Applicant's disciplinary history demonstrates the last careless riding suspension was in October 2018 and prior to that July 2017.

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 Applicant received a two (2) day dispensation in penalty for his respectable careless riding record and taking into account the penalty imposed is consistent with a low range careless riding offence is not satisfied a further reduction in penalty is proven 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  
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