



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 0011-19
Applicant's Name:	Ryan Plumb

PART 2: Decision History

Original Decision:	Breach of Rule 137(a) of the Australian Rules of Racing
Original Decision Makers:	I Brown, C Albrecht, G Lane, S Heidke
Date of Original Decision:	9 February 2019
Internal Review Decision:	Original decision of charge and penalty confirmed – Ten (10) day suspension
Internal Adjudicator:	Mr Kane Ashby, Queensland Racing Integrity Commission
Date of Internal Review Decision:	12 March 2019

PART 3: Summary of Internal Review Application

The Applicant, Mr Ryan Plumb, rider of SAN PIERRE in Race 3 at Aquis Park Gold Coast Turf Club on 9 February 2019 was found guilty of a charge of careless riding pursuant to 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 9 February 2019, the Applicant was found guilty of a charge of careless riding pursuant to Australian Rule of Racing 137(a) in that over the final 100m he permitted his mount to shift out whilst being ridden along and when insufficiently clear of Monte Santo, resulting in Monte Santo having to be restrained near the 50m to avoid the heels of San Pierre, which continued to shift out.

Stewards subsequently suspended the Applicant's license for ten (10) days to commence at midnight on 16 February 2019 and to expire at midnight 26 February 2019. When considering penalty the stewards took into consideration the Applicants good riding record and accordingly gave a three (3) day reduction to the standard mid-range penalty of 13 days.

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

"I am applying for an internal review for a charge of AR137a from Aquis Park Gold Coast. In Race 3 on 9/2/2019 when I was found guilty of a charge of careless riding under the provision of AR137a in that over the final 100m I permitted my mount to shift out whilst being ridden along and when insufficiently clear of Monte Santo, resulting in Monte Santo having to be restrained near to 50m to avoid the heels of San Pierre which continued to shift out. Firstly this was my



first suspension in about 2 years and secondly I feel that I am not guilty of the charge even though I did shift out. The Interference was very minimal to Taylor Williams in the concluding stages of the race and she advised Stewards on the day, that it did not make any difference to the result. Also once the horse commenced to shift out I endeavoured to correct the horse into a straight line and not feel that I should have been charged with careless riding as I was not careless in my actions. I request that the Internal reviewer quash the charge of AR137a and the penalty of 10 days suspension."

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

PART 4: Reasons for Internal Review Decision

Stewards opened an inquiry into the alleged aforementioned incident that occurred over the final 100 metres of the race.

Mr Ian Brown Senior stipendiary steward of the Queensland Racing Integrity Commission and Chairman of the inquiry provided an observation of the incident stating *"Just following the Race 3, Miss Williams, you elected to view the patrol footage to see if there were grounds for an objection against the winner, San Pierre. You rode Monte Santo. Watching the race live from the Chairman of Stewards tower it was evident that San Pierre was shifting out under pressure over the final 200 metres of the race. Jockey Plumb, it did appear as if you were riding the horse along with the whip for the entire time whilst the horse was shifting out under pressure and was dictating Monte Santo's line probably from the 100 metres onwards until a point near the 50 metres, where Taylor Williams, in my view, has had to take hold of her mount to avoid the heels of San Pierre, which continued to shift out. Miss Williams elected not to proceed with the objection. Probably the margin of a length in the vicinity of the interference stopped that, but otherwise might have been lodged in different circumstances. That's my observation"*¹.

Miss Taylor Williams rider of MONTE SANTO, which was racing back and to the outside of SAN PIERRE was asked if she wished to add anything further to Mr Brown's evidence and stated *"No, thank you"*.²

The Applicant, rider of SAN PIERRE in evidence stated *"I did hear Taylor's call on the line. I was aware it was shifting out. I did attempt to straight once or twice, and then late it has probably shifted out quite abruptly in the last 50 and I actually wasn't aware there was any horse to my outside at the time because I was pretty deep on the track. So -----"*³.

Subsequent to viewing the race footage, the reviewer finds over the concluding stages of the race the Applicant rider of SAN PIERRE, when riding forward with the whip permitted his mount to shift out when insufficiently clear of MONTE SANTO, resulting in MONTE SANTO having to be checked to avoid the heels of SAN PIERRE and as a consequence lost its rightful running. The reviewer finds the Applicant only had eyes for the winning post and despite shifting out several horses, continued to ride forward and shift out and accordingly was the sole cause of the aforementioned interference. The reviewer, having considered the evidence and aforementioned factors, is completely satisfied the charge the subject of review is proven.

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 suspension was in June 2017.

¹ Transcript of Stewards inquiry dated 9 February 2019 page 2.

² Transcript of Stewards inquiry dated 9 February 2019 page 2.

³ Transcript of Stewards inquiry dated 9 February 2019 page 2 and 3.



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 finds the Applicant received a three (3) day reduction in penalty for his commendable careless riding record and taking into account the aforementioned factors 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

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