

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 0031-19
Applicant's Name:	Julieann Lancaster
PART 2: Decision History	
Original Decision:	Breach of Rule 227(a) of the Australian Rules of Racing
Original Decision Makers:	J Williamson, G Meek, J Hackett and M Heath
Date of Original Decision:	4 April 2019
Internal Review Decision:	Original decision of charge confirmed - decision on penalty amended \$1000.00 fine.
Internal Adjudicator:	Kane Ashby
Date of Internal Review Decision:	16 May 2019
PART 3: Summary of Internal Review Application	
<p>The Applicant, Ms Julieann Lancaster is a licensed trainer within the thoroughbred racing industry and was found guilty of a charge of negligence pursuant to Australian Rule of Racing 227(a) in causing a breach of Australian Rule of Racing 99(b) at the Rockhampton Turf Club on 28 March 2019.</p> <p>Australian Rule of Racing 227(a) states :</p> <p><i>Stewards may penalise any person who commits any breach of the Rules, or engages in conduct or negligence which has led or could have led to a breach of the Rules.</i></p> <p>Australian Rule of Racing 99(b) states :</p> <p><i>The trainer of a horse and/or the trainer's authorised representative must ensure, including by reference to the horse's Thoroughbred Identification Card, that if a horse is engaged to run in any race or official trial, the correct horse:</i></p> <p><i>(b) is presented to start in the relevant race or official trial;</i></p> <p>The specifics of the charge was the Applicant saddled the incorrect horse for Race 6 as she was of the opinion that Plain 'N' Simple was to race in this event and AUTHADANE was engaged for Race 7. The Applicant pleaded guilty to a charge pursuant Australian Rule of Racing 227(a) in that her negligence in failing to correctly identify AUTHADANE as the horse engaged in Race 6 had led to a breach of Australian Rule of Racing 99(b) as the incorrect horse had been presented to start in the relevant race. After hearing submissions on penalty stewards adjourned this matter.</p> <p>The Stewards' subsequently fined the Applicant \$1500.</p>	



The Applicant sought a review of the penalty and submitted the following in support of her application:

"Trainer Lancaster is seeking an internal review in relation to a penalty for a charge under Australian Rule of Racing 227(a) in that as the trainer of AUTHADANE she negligently saddled PLAIN 'N' SIMPLE and presented that horse to race in Race 6 at Rockhampton on 28 March 2019 when AUTHADANE was the engaged runner in that event when the incorrect horse was saddled and presented to start in the race.

Ms Lancaster pleaded guilty to the charge as specified at the inquiry held on that day. The inquiry was adjourned as to penalty.

Background

On this day, Ms Lancaster had 4 horses engaged to race i.e. in Race 4 MILITARY PRINCE, Race 5 PERFECTLY ALIGNED, Race 6 AUTHADANE and Race 7 PLAIN 'N' SIMPLE. At the completion of Race 5, Ms Lancaster asked her partner Mark Barham to collect the saddle for the runner in Race 6 and saddle PLAIN 'N' SIMPLE. With the assistance of another trainer, Mr Barnham commenced to saddle this horse. Ms Lancaster completed the saddling of PLAIN 'N' SIMPLE and applied the only gear the horse was to wear; a tongue tie.

This horse was fed by Ms Lancaster to where Stewards are positioned to inspect and identify horses prior to entering the enclosure. The steward tasked with this role on occasion was Mr Gary Meek. The assistance starter on this day was Jim Wilson. Ms Lancaster recalls Mr Wilson calling out numbers from the off side of the horse and Mr Meek asking to inspect the lead bag under the saddlecloth. Ms Lancaster assumed that Mr Meek had identified the horse correctly and inspected the gear it was to wear in the race and proceeded to the enclosure.

After legging the rider up and when horses were en route to the barriers, Ms Lancaster was positioned on the viewing platform outside the members area. Mr Barnham was with her and Mr Wally Welburn (Clerk of Scales) was also in close proximity. When the race began, Ms Lancaster heard the racecaller referring to AUTHADANE throughout the race and prior to the finish of the race, she was aware that the incorrect horse had raced. Ms Lancaster has spoken to Mr Barnham and Mr Welburn regarding the horse being PLAIN 'N' SIMPLE and not AUTHADANE.

When the horse returned to the enclosure immediately after the race, no stewards were present at that time. Ms Lancaster has spoken to Jockey Thomas about the horse racing over the distance of 1200 metres and not 1050 metres and that the incorrect horse had raced. Ms Lancaster has taken the horse from the enclosure to the tie up stalls. Immediately after, as she was returning to the Stewards room, Ms Lancaster has met with Mr Meek who stated that an issue existed with the identity of the horse. Ms Lancaster agreed. Ms Lancaster believed that either the jockey or Clerk of Scales had alerted Stewards to this issue.

At inquiry, Ms Lancaster pleaded guilty. Her submissions in relation to penalty were that PLAIN 'N' SIMPLE was presented in its correct gear and if notified as to the horse not wearing blinkers (as AUTHADANE wears) she would have been alerted to the incorrect horse. At no time was any other person aware that the incorrect horse had been presented prior to Ms Lancaster admissions to either Mr Barnham, Jockey Thomas or Mr Welburn.

On 4 April 2019, Ms Lancaster became aware of her penalty, a fine of \$1,500, by email from Mr Williamson.

In summary the Stewards considered the following:

- The penalty precedents relied upon from Kilcoy and Kalgoorlie in 2008 and comparisons to this incident*
- The seriousness of the breach*



- *The requirement of a penalty to act as a deterrent*
- *And the interest of the greater racing industry*
- *Guilty plea*
- *Good record and*
- *Honesty throughout the inquiry*

Internal Review as to penalty

Penalty precedents

in issue with this consideration is that both horses being present on course and with one being presented to race in the incorrect race is, respectfully, an irrelevant consideration. Less or no weight should be given to this consideration. To rely upon historic precedents without knowledge of the circumstances, the pleas of those involved and any mitigating circumstances in these cases may have led the Stewards into error in penalty.

The incident at Kilcoy was a non-TAB meeting with the trainer pleading not guilty to the charge and the horse placing third in the race, A \$1000 fine was imposed. At Kalgoorlie, the horses were placed in incorrect stalls and raced without the error being discovered on raceday by officials. The trainer involved notified the Stewards of the incident on the Tuesday following the Sunday race meeting. The trainer was fined \$1200.

The prizemoney on offer at Rockhampton is not relevant to determining penalty in this instance. AUTHADANE was \$101 in betting and was placed sixth (prior to being disqualified) which had no direct effect on prizemoney. Consideration of these as "aggravating factors" has resulted in Stewards increasing the fine.

Mr Williamson makes mention of races run at TAB venues "having an increased exposure and conducted with an expectation of a higher level of professionalism". This onus is not borne solely by the trainer but officials whose role it is to ensure every horse presented to race is correctly identified and the gear to be worn by that horse is correct. It is this significant failure which has caused or contributed to the incorrect horse being allowed to race.

Seriousness of the breach

This is accepted by the trainer as she has presented the incorrect horse to race. However, the horse racing does not make it more serious on her part, rather the deficiencies in the process of the Stewards/officials whose negligence has escalated the seriousness of the breach.

Penalty to act as deterrent to participants

It is submitted that this incident was one of negligence. The circumstances do not lead to the conclusion Ms Lancaster was improper or intentional in her conduct.

Interest of greater racing industry

This incident has brought shame to Ms Lancaster, a hobby trainer of 3-4 years who has been involved in racing for approximately 10 years. It has effected on her otherwise honest reputation and pride in racing horses trained by her and, to some degree, may damage her ability attract outside interest from owners.



Ms Lancaster has a partner and 2 children at school, She trains up to 13 horses at a time and has a small group of owners for which she trains.

Guilty Plea

It may be that Stewards have not afforded appropriate weight to Ms Lancaster guilty plea to the charge at the first available opportunity. Ms Lancaster's accepts her wrong doing in presenting PLAIN 'N' SIMPLE to race when AUTHADANE was the runner engaged.

Good Record

The description of Ms Lancaster's record as 'good' may extend to 'exemplary'. Ms Lancaster does not recall having been fined for even a minor offence, her record being free from any significant fine or serious breach of the rules.

Honesty throughout the inquiry

Further, Ms Lancaster's honesty extends to all her dealings in this matter. At no time has she recoiled from her wrong doing. Ms Lancaster has been forthright at every occasion in relation to this matter (including the independent investigation the Commission conducted).

In summary, penalty precedents, the seriousness of the offence and penalty as a deterrence in the interest of the greater racing industry need to be balanced against the circumstances of this incident alone with greater weight being afforded to Ms Lancaster's guilty plea, record in racing and honesty.

Further considerations

No consideration was given to the more recent incident in Toowoomba which involved Trainer Brett Baker who pleaded guilty to a similar charge under the previous rule AR 59. The Reviewer makes mention that an unintentional offence under this rule would attract a penalty of \$1,000. The incorrect horse was presented at a TAB meeting and with an exemplary record and no prior offences, the fine imposed by Stewards of \$750 was wholly suspended for 2 years.

In October 2018, Trainer R Chillemi was fined \$500 in Townsville under negligence for failing to confirm the identity of a horse which resulted in the incorrect horse being presented. As recently as 9 April 2019, also in Townsville, Train G Horner was fined only \$500 again under the same rule as Ms Lancaster for presenting the incorrect horse to race. It is acknowledged that these incidences were discovered by Stewards following the procedures for identification of horses to race.

Although the Stewards did not have the benefit of considering the findings of the independent investigation conducted into this incident, it is submitted that the Reviewer seek to rely upon any interim or final findings that may be available in determining this review.

Outcome sought

It is submitted that a fine of \$1,500 is excessive and that the penalty of a fine:

- be reduced from that imposed by Stewards or*
- utilising AR 283 (5), the imposed or reduced penalty be wholly or partially suspended."*

PART 4: Reasons for Internal Review Decision



The stewards opened an inquiry into the reason for the Applicant, trainer of AUTHADANE which was engaged in Race 6 and PLAIN 'N' SIMPLE which was engaged in Race 7, incorrectly presenting PLAIN 'N' SIMPLE to compete in Race 6 at Rockhampton Jockey Club on 28 March 2019, instead of AUTHADANE which was engaged to run in Race 6.

During the Stewards inquiry conducted on 28 March 2019, the Applicant pleaded guilty to the charge the subject of review. The Applicant sought a review only on the penalty imposed.

The Applicant in evidence stated *"I actually didn't realise until they were racing. I couldn't work out why Russell Leonard was calling Authadane. I'm thinking – I guess – it was an honest mistake on my behalf. I just saddled the wrong horse, and – and it wasn't until the race was running and I realised that may be – and then I went back and that's why I looked and then I've realised I definitely had the wrong horse. -- I just had my races -----I mixed them up, yes".¹*

The Applicant's complete submissions, and particular to penalty are outlined in Part 3 of this decision.

The Applicant's legal representative particular to penalty in part stated *"This onus (in presenting the correct horse for relevant race) is not solely by the trainer but the officials whose role it is to ensure every horse presented to race is correctly identified and the gear to be worn by that horse is correct. It is the significant failure which has caused or contributed to the incorrect horse being allowed to race."*

Seriousness of the breach

"This is accepted by the trainer as she has presented the incorrect horse to race. However, the horse racing does not make it more serious on her part, rather the deficiencies in the process of the Stewards/officials whose negligence has escalated the seriousness of the breach."

The reviewer acknowledges a procedural error occurred that failed to identify PLAIN 'N' SIMPLE incorrectly entered the mounting yard for race six instead of AUTHADANE which was engaged to run in this race. The reviewer understands the reason for such procedural error is the subject of a separate investigation by the Racing Integrity Commission and therefore would be inappropriate to comment further pending the outcome of such investigation. Notwithstanding, the reviewer acknowledges the seriousness of the offence and the Applicants responsibility under the Australian Rules of Racing to present the correct horse to start in the relevant race. The reviewer acknowledges on the evidence the Stewards initially identified post-race the incorrect horse, namely PLAIN 'N' SIMPLE raced in Race 6 at Rockhampton Jockey Club on 28 March 2019, instead of AUTHADANE which was engaged to run in this race. Notwithstanding, the reviewer accepts the Applicant was proceeding to the stewards room following the race to inform Stewards the incorrect horse raced when she was met by Mr Meek, Stipendiary Steward, who advised her an issue existed with the identity of the aforementioned horse.

The Applicants legal representative referred to penalty precedents in matters of licensed trainers, namely Mr Roy Chillemi and Mr Gareth Horner in October 2018 and April 2019, which incurred monetary penalties of \$500 respectively for a negligence offence that led to the incorrect horse being presented for racing. The reviewer acknowledges in the aforementioned matters the error was identified by stewards prior to the race which prevented the incorrect horse from racing.

The reviewer acknowledges the importance that each case is treated on its merits and set of circumstances.

¹ Transcript of Stewards inquiry dated 28 March 2019 page 6 and 7.



The reviewer accepts the Applicants forthright evidence, guilty plea and finds such negligence was unintentional and fortunately did not affect betting or prize-money on the race the subject of review.

The Applicants held a trainer's licence for approximately four (4) years and in such period is clear of any previous offence pursuant to the charge the subject of review. The precedent penalties for an unintentional negligence offence which led to breach of Australian Rule of Racing 99(b) previously known as 59(1)(a) is a monetary penalty in the vicinity of \$1,000.00.

In weighing up the evidence particular to penalty, consideration was provided to the Applicant's submissions, forthright evidence, mitigating factors, early guilty plea, disciplinary history and totality of penalty precedents. Further consideration was provided to the Applicants actions was completely unintentional in presenting the incorrect horse for racing and that any penalty imposed is consistent with the evidence and acts as a deterrent.

The reviewer, in considering the evidence particular to penalty and taking into account the aforementioned factors, including the mitigating circumstances and that the incorrect horse raced, finds the appropriate penalty in all the circumstances is a fine of \$1000.00 and accordingly amends the original decision on 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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