

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 0029-19
Applicant's Name:	Pietro Romeo
PART 2: Decision History	
Original Decision:	Breach of Rule 131(a) of the Australian Rules of Racing
Original Decision Makers:	J. Williamson, L. Hicks, J. Hackett, B,Connell
Date of Original Decision:	11 April 2019
Internal Review Decision:	Original decision of charge and penalty confirmed – nine (9) day suspension
Internal Adjudicator:	Kane Ashby, Queensland Racing Integrity Commission
Date of Internal Review Decision:	14 May 2019
PART 3: Summary of Internal Review Application	
<p>The Applicant, Mr Pietro Romeo, rider of TIN'S POCKET in Race 4 at Gatton on 11 April 2019, was found guilty of a charge of careless riding pursuant to Australian Rule of Racing 131(a).</p> <p>Australian Rule of Racing 131(a) states:</p> <p>"A rider must not, in the opinion of the Stewards: (a) engage in careless, reckless, improper, incompetent or foul riding"</p> <p>At the Stewards' inquiry conducted on 11 April 2019, the Applicant pleaded guilty to a charge of careless riding under AR. 131(a) in that he was careless when moving from a rail position to a 3 wide position resulting in OVERGROWN and LWAZI being tightened and checked. The Applicants licence to ride in races was suspended for a period of 9 days to commence at midnight on Saturday 20 April 2019 and conclude at midnight on Monday 29 April 2019. In determining penalty, Stewards took into consideration the Applicants guilty plea and his prior good record in relation to this rule.</p> <p>The Applicant sought a review of the charge and penalty and submitted the following in support of his Application:</p> <p><i>"I'm seeking an internal review as I don't feel the stewards took into consideration the horses previous history of racing unfavourably, particularly the horses history of severely hanging out which is backed up by the fact it wears a one eyed blinker and tongue tie. The stewards report indicates the interference took place leaving the 600m mark from recollection, it was more rounding the home turn closer to 400/300m mark. Finally, the stewards report indicates I moved from the fence to a 3 deep position, however, I had already moved to a one off the fence position before the interference took place. The stewards report greatly exaggerates the shift that took place and exacerbates the level of interference.</i></p> <p><i>Upon reviewing the video footage of the race replay I don't believe either rider had to "check" their mounts.</i></p>	



As mentioned in the above section, the horse "Tins Pocket" has a track record of severely hanging out which is why it now wears a one eyed blinker. The home turn at Gatton is a particularly tight turn where shifts occur on a regular basis. In this particular race, horses that were leading and boxed seated shifted to a 3 and 5 deep position upon straightening into the home turn, retrospectively. With "Tins Pocket" previous history regarding hanging out, it was stipulated to me by the trainer to try and not over correct the horse when making right handed turns as the horse does have a tendency to "lock on" to the right rein and drift out.

During the early stages of the race, I took a position on the fence following Hannah Philips rider of "Stick With Me". The video footage clearly shows the horse with its head raised and tilted inward demonstrating my attempt to hold a true line. This is especially evident between the 800 and 500 metre mark.

Turning into the dog leg of the course, it was at this point (500 metre mark) I shift to a one off position outside the heels of "Stick With Me", NO interference had taken place at this stage. Rounding the home turn rider Minehiko Shimodaira of "Favourite Shadow" weakened quickly directly in front of me. Taking my mounts current tractability into consideration throughout the duration of the race, I made split second decision electing to place myself outside of the weakening horse as I vehemently believe that had I attempted to pull harder on the right rein to place myself back on the fence the horse would have over reacted and consequently hung out again as its previous records indicate. I pleaded guilty to the charge as ultimately an interference did take place but was only expecting a severe reprimand or few days in the worst case scenario.

"I strongly feel that 9 days is excessive considering it made no difference to the results and horse "Overgrown" did not pass me during the concluding stages and was in fact weakening just before the interference took place. Also "Lwazi" only crossed the line 1 length in front of me still beaten some 4 lengths. My track record of only 2 suspensions in the last 5 of years of riding has not been taken into consideration. Most importantly the video clearly showing the horse slightly over racing and attempting to lug out especially leading into the first turn has been disregarded."

The outcome sought by the Applicant is "I'm seeking the severity of the punishment to be reviewed with a lesser charge to be granted with all facts being able to be taken into account. The video footage clearly shows the horse is untractable which should support my evidence provided."

PART 4: Reasons for Internal Review Decision

Stewards opened an inquiry into the alleged aforementioned incident that occurred near the 400 metre mark of the race.

Mr John Hackett, Senior Stipendiary Steward of the Queensland Racing Integrity Commission provided an observation of the incident stating "--I was at the tower probably just inside the 600 metres and I had an elevated view of an incident that occurred approaching the 400 metres, and I did think that Pietro Romeo, the rider of Tin's Pocket, had been racing on the rails, and had elected to try and improve his position - was in the process of attempting to improve his position to the point where he had moved away from the rails and he still had 3 runners to his outside, those being: jockey Frater-Hill, jockey Ljung and Michael Hellyer, who had been 3-wide for the majority the race. Now, I did think that Pietro Romeo did try and move outwards in an effort to look for clearer running, and when he did so he put pressure on apprentice Frater-Hill, to the extent she couldn't go anywhere other than shift out onto Emma Ljung, and her horse – they both collided, and collided pretty heavily. She couldn't do a lot about it because she had Michael Hellyer, who had been wide throughout, sitting up outside her. I just thought that the incident was brought about through jockey Pietro Romeo changing his position outwards in an effort to obtain a clearer run, but did so at the expense of the 2 horses on his outside, which received buffeting".¹

¹ Transcript of Stewards inquiry dated 11 April 2019 page 2 and 3.



Ms Emma Ljung rider of OVERGROWN which was racing to the outside of LWAZI in evidence *stated "I just didn't really have anywhere to go. I had Michael Hellyer outside of me and 2 horses trying to go for the run that I was already in."* The Chairman of inquiry questioned *"So you felt pressure from your inside that you couldn't alleviate?"* to which Ms Ljung replied *"Yes. There was a lot of pressure"*.²

Ms Carly Frater-Hill rider of LWAZI which was racing to the inside of OVERGROWN in evidence *stated "I was sort of looking for a run at about the 400 and I've moved – started to maintain a run when Pietro sort of shifted out slightly. -- And I feel it was just like a domino effect. -- I think Pietro thought he had more room than he did to come out"*.³

The Applicant rider of TINS POCKET which was racing to the inside of LWAZI in evidence *stated "Sir, I did – as Mr Hackett states I did obviously shift off the fence. The horse doesn't race generously. It has got a one-eyed blinker. It is notorious for hanging out. However, I did know there were outside runners to my outside but I thought they were further back than what they were, and I did hear a call but I didn't feel – I didn't realise it related to me. But, yeah, all I can say is that the horse is notorious for hanging out and you can't – the more you try and hold the right rein the more it does try to fight you and run off."* The Chairman of inquiry questioned *"So were you changing position at that point?"* to which the Applicant replied *"Well, I was just trying to keep it straight. If you see the head-on for most of the race the horse has got its head in the air and it's consistently running in, out."* The Chairman of inquiry questioned *"We are aware that apprentice Hill was improving to your outside?"* to which the Applicant replied *"No. Not directly to my outside, sir, no"*.⁴

Subsequent to viewing the race footage, the reviewer finds the Applicant rider of TIN'S POCKET permitted his mount to shift out near the 400 metre mark when insufficiently clear of LWAZI, thereby tightening that horse out onto OVERGROWN, resulting in LWAZI and OVERGROWN being hampered, becoming unbalanced and taken wider on the course. The reviewer finds prior to the incident occurring, LWAZI had obtained a run to the outside of TIN'S POCKET for several strides before the Applicant permitted TIN'S POCKET to shift out when not clear.

The Applicant submitted *"Turning into the dog leg of the course, it was at this point (500 metre mark) I shift to a one off position outside the heels of "Stick With Me", NO interference had taken place at this stage. Rounding the home turn rider Minehiko Shimodaira of "Favourite Shadow" weakened quickly directly in front of me. Taking my mounts current tractability into consideration throughout the duration of the race, I made split second decision electing to place myself outside of the weakening horse as I vehemently believe that had I attempted to pull harder on the right rein to place myself back on the fence the horse would have over reacted and consequently hung out again as its previous records indicate."*⁵

The reviewer accepts the Applicant shifted to the one off position near the 600 metre mark at which time no interference occurred, and finds the incident the subject of review occurred near the 400 metre mark at which time the Applicant had shifted out to a four (4) wide position when not clear of the aforementioned horses.

The reviewer acknowledges the Applicants submissions stating that TIN'S POCKET has a previous history of hanging out and notes no evidence of such occurrence was provided as part of the internal review submissions to support such claim.

² Transcript of Stewards inquiry dated 11 April 2019 page 3.

³ Transcript of Stewards inquiry dated 11 April 2019 page 3.

⁴ Transcript of Stewards inquiry dated 11 April 2019 page 4.

⁵ Application for Internal Review dated 15 April 2019.



Notwithstanding, the reviewer finds no evidence that TIN'S POCKET was hanging out and finds the Applicant looked to his outside before directing TIN'S POCKET on an outwards course in an attempt to gain clear running when not clear of the aforementioned horses and as a consequence was the sole cause of the aforementioned incident. The reviewer acknowledges that the safety of horse and rider is paramount and irrespective of the Applicants alleged claims stating "*Favourite Shadow*" *weakened quickly directly in front of me*" is not entitled to place his perceived troubles out onto another horse or rider. The Applicant in such circumstances is required to take hold of his horse as opposed to directing his mount out in an attempt to gain clear running at the expense of the aforementioned horses and riders. The reviewer having considered the evidence and aforementioned factors is completely satisfied the charge the subject of review is proven.

The stewards deemed the incident 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 offence was in October 2018.

In weighing up the evidence particular to penalty, consideration was provided to the Applicant's submissions, degree of carelessness, severity of interference, guilty plea and disciplinary history. The reviewer, in considering the evidence and taking into account the aforementioned factors including the Applicants guilty plea is satisfied the penalty is consistent with a low-range offence and therefore is not satisfied a 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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