



## INTERNAL REVIEW DECISION

(Internal Review Decision Notice in response to an Application for Internal Review)

PART 1: Details of Internal Review	
Internal Review Number:	IR0058-17
Applicant's Name:	J Manzelmann
Original Decision:	Breach of rule 175(k) of the Australian Rules of Racing
Original Decision Makers:	L Collins, G Meek, B Nalder
Date of Original Decision:	13 July 2017
Internal Review Decision:	Original decision confirmed.
Internal Review Decision-Maker:	Mr Kane Ashby, Internal Adjudicator, Queensland Racing Integrity Commission
Date of Internal Review Decision:	15 August 2017
PART 3: Summary of Internal Review Application	
<p>The Applicant, Mr John Manzelmann, the trainer of Knowing Me and Artibai was found guilty of presenting the horses with incorrect saddles for Race 1 at Rockhampton Jockey Club on 13 July 2017.</p> <p>Australian Rule of Racing 175(k) states: <i>"The Principal Racing Authority (or the Stewards exercising powers delegated to them) may penalise: Any person who has committed any breach of the Rules, or whose conduct or negligence has led or could have led to a breach of the Rules."</i></p> <p>The Stewards report stated: "Trainer J. Manzelmann pleaded guilty to a charge under AR175(k) in that he had been negligent in saddling Artibai and Knowing Me when presented with the incorrect saddles. Mr Manzelmann was fined \$500."</p> <p>The Applicant sought a review on penalty.</p>	
PART 4: Reasons for Internal Review Decision	
<p>The reviewer accepts the Applicant erred in not ensuring the right saddle was placed on the correct horse. The reviewer acknowledges the numbers of runners the Applicant presents each year. Notwithstanding, this does not detract from the Applicants' obligations under the rules to ensure the proper saddling and application and fitting of all gear to a horse presented to race. The repercussions could have been dire had the error not been identified by a steward when undertaking regulatory checks of the horse's brands and markings when entering the mounting yard enclosure.</p> <p>Each case is treated on its merits and in weighing up the evidence, the reviewer finds the penalty is reflective of similar related precedents and finds a further reduction in penalty is not proven and therefore confirms the original decision on penalty.</p>	
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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