



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 0089-17
Applicant's Name:	E Ljung
PART 2: Decision History	
Original Decision:	Breach of Rule 137(a) of the Australian Rules of Racing
Original Decision Makers:	N Boyle, A Reardon, J Williamson, L Hicks
Date of Original Decision:	25 October 2017
Internal Review Decision:	Original decision of charge and penalty confirmed - nine day suspension
Internal Review Decision-Maker:	Mr Kane Ashby, Internal Adjudicator, Queensland Racing Integrity Commission
Date of Internal Review Decision:	10 November 2017
PART 3: Summary of Internal Review Application	
<p>The Applicant, Ms Emma Ljung, rider of HANG in Race 2 at the Ipswich Turf Club on 25 October 2017, was found guilty of a charge under Australian Rule of Racing 137(a).</p> <p>Australian Rule of Racing 137(a) states:</p> <p><i>"Any rider may be penalised if, in the opinion of the Stewards, he is guilty of careless, reckless, improper, incompetent or foul riding."</i></p> <p>At the stewards' inquiry conducted on 25 October 2017, the Applicant was found guilty of a charge of careless riding pursuant to Australian Rule of Racing 137(a) in that passing the 1350m she allowed her mount to shift in when insufficiently clear of HI LIZZY, which was forced in onto SIR CASS, which had to be checked and lose its rightful running.</p> <p>The stewards imposed a suspension period of nine days to commence at midnight on 28 October 2017 and to expire at midnight on 6 November 2017.</p> <p>The Applicant sought a review of charge and penalty on the basis that she believed the incident was a racing incident, not an act of careless riding, and the appropriate penalty was a reprimand or complete dismissal of the charge.</p>	



PART 4: Reasons for Internal Review Decision

The Applicant submitted a review of the aforementioned stewards' decision which, in summary, stated *"I was issued with a charge of careless riding in race two at Ipswich on Wednesday 25 October under AR137(a) where I was found to be guilty of careless riding in that I was said to have allowed my mount to shift in when not clear of Hi Lizzy which was forced onto Sir Cass which was checked and lost ground. I do not believe I am guilty as I had to take evasive action to avoid the heels of the runner in front of me as it had allowed another horse to cross it and was coming back and I was trying to establish a run behind it. It was not flush to the horse racing on the fence and I was still half a horse outside of it. I was not looking to shift in at any point as I was going to end up in a one off trailing position once the race order panned out, I was merely taking hold of my horse when the pace slackened off so abruptly to avoid putting myself in a bad situation and clip heels. The rider of Sir Cass said in her evidence that her saddle had slipped which put her in an awkward position, which was the reason she has taken hold of her mount. I did not place any pressure on or dictate to the rider of Hi Lizzy as he was pushing his horse along to cross Sir Cass on the fence. There is no clear footage to say I have dictated to any rider or been in a one off position when the incident has occurred. The rider of Sir Cass has had trouble with her horse for a further 300m until her saddle shifted back off its shoulders. I believe it was a harsh charge as I felt it was just a racing incident and very minor."* The Applicant was seeking a reprimand or complete dismissal of the charge.¹

Mr James Williamson, stipendiary steward, provided live evidence of the incident stating *"I viewed the race from a position near the 1300 metres. I believe the incident occurred just going away from that tower - just lateral and going away. From my observation, it appeared early on Hang was in a wide position away from the rail and appeared to - Miss Ljung appeared to be looking to position behind Nivo, ridden Tegan Harrison. I felt when shifting across at that stage, Jeff Lloyd was on Hi Lizzy racing to the inside and that horse was taken in. I felt that Sir Cass, which was racing on the fence after jumping from barrier 1, was tightened for room and as a result Miss English had to take hold and relinquish her position. I didn't feel that jockey Lloyd was clear to shift at that stage and I didn't feel that Miss Ljung's mount was clear of jockey Lloyd at that stage when shifting to a one-off position."*²

Miss Hannah English, rider of SIR CASS which was racing on the fence, in brief stated *"There was a little bit of tightening there. I don't think it was detrimental to my horse's performance overall. I wasn't sure if - where the shift was coming from at the time and whether it was just solely jockey Lloyd or whether there was more pressure from the outside. But in saying that, I don't think it was sort of detrimental to my mount's performance."* In response to a question *"did you have to check your mount, as Mr Williamson said"* Miss English stated *"Yes, sir."* In response to a further question *"the reason you had to check your mount was you ran out of room; is that correct"* Miss English stated *"Yes, sir."*³

¹ Internal Review Application dated 26 October 2017

² Transcript of Stewards' Inquiry dated 25 October 2017, page 2 and 3

³ Transcript of Stewards' Inquiry dated 25 October 2017, page 3



Mr Jeff Lloyd, rider of HI LIZZY which was racing to the outside of SIR CASS, in brief stated *"I was behind the speed and racing on the quarters (inaudible). We were all going forward. I had a look around and I could see the horse from 1 was trying to hold a spot probably a length behind me - probably a length and a little bit. I was just holding my spot probably racing to the inside - probably about a length (inaudible) horse to my outside. I went forward with that horse. I don't feel I ever get away from that horse. Might have been taken at that stage. I wasn't sure - I thought - I thought that the inside horse, you know, was happy to keep its spot but I - I was concentrating more on, you know, where I was to the horse on my outside. So I wasn't sure at the time how far she was behind."* In response to a question *"did you receive pressure from the horse on your outside"* Mr Lloyd stated *"I was taken in, yes."* In response to a further question *"How far were you taken in --- -and how far advance of you is apprentice Ljung"* Mr Lloyd stated *"Probably - I was drawn 4 and I was racing 1 of the fence and taken in from a 3 wide position to the fence ---- Oh, she was three-quarters of a length."*⁴

The Applicant, in brief, stated *"I was sort of looking to be positive and when I didn't have enough speed I looked to take a position up behind Tegan Harrison's horse, and I just felt they were rolling around that corner and I was looking to my inside. I didn't feel like I put any pressure on anyone, but I was also looking to take cover. I wasn't aware of any incident though."* In response to a question *"So when you were looking to obtain a position behind Tegan, Tegan was positioned - where do you say Tegan was positioned on the track? One off the fence or on the fence or ----,"* the Applicant stated *"Yes, she was probably one and a half off the fence, two - two and a bit, sorry."* Subsequent to viewing the race footage, the Applicant stated *"I felt like - I don't really feel like I put any pressure on. I can see how it looks but I was more or less still just trying to come back off Tegan. I don't think I was angling in or anything. I was well aware that Jeffrey was there so I was not going to try and take his line. I think it was more or less I was sort of coming back. I can see how it looks but - yeah, because Tegan is not through to the horse to her inside either yet - I'm just looking to come back. I was not angling in. I may have stepped in whilst taking hold but I didn't feel like I was trying to get in."*⁵

Subsequent to viewing the race footage, the reviewer finds the Applicant, rider of HANG, permitted her mount to shift in near the 1300m when not clear of HI LIZZY, thereby tightening that horse in onto SIR CASS, resulting in SIR CASS having to be checked and lose its rightful running. The reviewer acknowledges the Applicant was restraining her mount off the heels of NEVO, however the Applicant was provided with an opportunity to shift out and relieve the tightening, as opposed to shifting in at the expense of the aforementioned horses. The reviewer finds NEVO was racing one off the fence and the Applicant shifted into a trailing position behind that horse, despite having two horses racing to her inside. The Applicant looked to her inside on three occasions before shifting in when only three-quarters of a length in front of HI LIZZY, which ultimately resulted in the interference. The race footage shows Miss English's saddle shifted forward as a result of excessively restraining her horse following being tightened for room.

⁴ Transcript of Stewards' Inquiry dated 25 October 2017, page 3 and 4

⁵ Transcript of Stewards' Inquiry dated 25 October 2017, page 4 and 5



The evidence of Mr Williamson and Mr Lloyd stating “*I didn’t feel that Miss Ljung’s mount was clear of jockey Lloyd at that stage when shifting to a one-off position*” and “*I was drawn 4 and I was racing 1 of the fence and taken in from a 3 wide position to the fence*” respectively is accepted and supportive of the race footage that shows the Applicant shifts into a position one off the fence when not clear of the aforementioned horses. The reviewer, in considering all the relevant factors, is completely satisfied the charge is proven.

The stewards deemed the carelessness to be low range. The standard penalty for a low range offence is ten days’ suspension. The Applicant’s disciplinary history notes one careless riding offence in January this year.

The reviewer is not satisfied a reprimand as submitted by the Applicant is an appropriate form of penalty when considering the incident in totality. In weighing up the evidence on penalty, consideration was provided to the Applicant’s disciplinary record, the degree of carelessness and not-guilty plea. In considering the aforementioned factors, the reviewer is satisfied the penalty is consistent with a low range offence and therefore 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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