



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 0094-17
Applicant's Name:	R Williams
PART 2: Decision History	
Original Decision:	Breach of Rule 85B of the Australian Rules of Racing
Original Decision Makers:	N Boyle, J Childs, L Carvosso
Date of Original Decision:	18 November 2017
Internal Review Decision:	Original decision of charge and penalty confirmed - \$200 fine
Internal Review Decision-Maker:	Mr Kane Ashby, Internal Adjudicator, Queensland Racing Integrity Commission
Date of Internal Review Decision:	8 December 2017
PART 3: Summary of Internal Review Application	
<p>The Applicant, Ms Rebecca Williams, was found guilty of a charge under Australian Rule of Racing 85B at the Toowoomba Turf Club on 18 November 2017,</p> <p>Australian Rule of Racing 85B states:</p> <p><i>"Any jockey or apprentice jockey may be penalised if, in the opinion of the stewards, he fails or refuses to fulfil a race riding engagement. Provided that the stewards may penalise also any person responsible for an apprentice jockey who, in their opinion, contributed to such apprentice jockey committing a breach of this rule."</i></p> <p>At the stewards' inquiry conducted on 18 November 2017, the Applicant was found guilty of a charge of failing to fulfil two riding engagements at the Gold Coast Turf Club on 18 November 2017.</p> <p>The stewards considered the Applicant's submissions and the evidence of trainer Mr Rex Lipp and subsequently imposed a fine of \$200.00.</p> <p>The Applicant sought a review of the penalty on the basis it was excessive, as the Applicant had attempted to contact Mr Lipp and the stewards prior to the declarations of riders for the mentioned meetings.</p>	
PART 4: Reasons for Internal Review Decision	



The Applicant was subjected to a stewards' inquiry to explain the reasons for failing to fulfill two riding engagements at the Gold Coast on Saturday 18 November 2017. Subsequent to receiving evidence from the Applicant and Mr Rex Lipp (trainer of the two horses engaged to ride) the Applicant was found guilty of a charge under the aforementioned rule and fined the sum of \$200.00.

The inquiry conducted on the 18 November 2017 heard the Applicant accepted the rides on Mr Lipp's two horses for the aforementioned Gold Coast meeting on Monday, 13 November 2017. The Applicant stated she advised Mr Lipp *"I would be able to ride them (the two horses) if I could make it back here (for the Toowoomba meeting)"*. The Applicant added *"I thought I'd be able to ride the first one cause for some reason, thought it was only one and a half hours back here"* (to Toowoomba).¹

The Applicant's manager, Mr Trevor Bailey, also accepted rides on behalf of the Applicant for the Toowoomba meeting conducted the same day, being the 18 November 2017. Mr Bailey was aware the Applicant had also accepted rides at the Gold Coast meeting. The Applicant stated when the final race fields were released for the respective meetings at about 11:00am on Thursday, 16 November 2017, she sent her manager text messages asking him to contact Mr Lipp. The Applicant stated Mr Bailey advised her he tried calling Mr Lipp and said he was out for lunch with clients and notified the Applicant to just text Mr Lipp. The Applicant subsequently texted Mr Lipp at 11:17am advising she could not ride SEQ THE STAR (Gemma), one of Mr Lipp's horses, in the last race at the Gold Coast meeting. The next morning, being Friday 17 November 2017, the Applicant further realised she could not make her first riding engagement at Toowoomba if she was to fulfill the other riding engagement at the Gold Coast meeting on Mr Lipp trained RED BLANKET, in the fifth race and subsequently advised Mr Lipp accordingly. Mr Lipp, as a consequence, replaced the Applicant with jockey Ms Tiffani Brooker later that day.

The official start times for the fifth race at the Gold Coast and the first race at Toowoomba was 3:08pm and 4:59pm respectively. The reviewer finds it clearly apparent from the above start times that the Applicant would be unable to fulfill both riding engagements due to the logistics and travel times required between the relevant venues.

The declaration of riders for the aforementioned meetings was 12:00pm on Thursday, 16 November 2017. The reviewer accepts the Applicant and her manager made reasonable efforts to contact Mr Lipp on the Thursday prior to closing of rider declarations for the respective meetings to advise she would be unable to fulfill SEQ THE STAR's riding engagement in the last race at the Gold Coast meeting. Notwithstanding, the reviewer finds the Applicant, having received the final race fields and official start times on the Thursday morning for the respective race meetings, would have been clearly aware she would also be unable to fulfill her other riding engagement on Mr Lipp trained RED BLANKET in the fifth race at the Gold Coast meeting due to riding engagements in the earlier races at Toowoomba. The reviewer finds the Applicant, or her manager, should have informed Mr Lipp at that time (Thursday morning prior to closing of rider declarations) that she would be unable to fulfill RED BLANKET's riding engagement.

The subject race meetings at the Gold Coast and Toowoomba were listed as TAB venues. The reviewer acknowledges betting on such race meetings commenced at final acceptance time and therefore accepts the importance that riders are accurately declared by the required time to ensure precise information is displayed to the general public for betting and information purposes.

¹ Audio of Stewards' Inquiry dated 18 November 2017



The reviewer accepts the manager in this matter, Mr Bailey, is/was employed by the Applicant at the relevant time and it is their responsibility to ensure all accepted riding engagements are fulfilled in accordance with the rules.

In weighing up all of the evidence and circumstances, the reviewer is satisfied the Applicant's failure to inform Mr Lipp at the time final fields for the respective meetings were released (at 11:00am on the Thursday prior to the 12:00pm rider declaration deadline) that she was unable to fulfill 'both' the aforementioned riding engagements was unacceptable and therefore finds the charge proven.

The precedents for a breach of Rule 85B in Queensland incurred fines between \$100 and \$500. The Applicant's disciplinary history is clear of an offence under this rule.

The reviewer is not completely satisfied a reprimand as submitted by the Applicant is an appropriate form of penalty when considering the set of circumstances in totality. In weighing up the evidence on penalty, consideration was provided to the Applicant's disciplinary history, the precedent scale and importance that accurate information is submitted and released at the relevant time in accordance with rider declaration deadlines. Therefore, in considering the aforementioned factors, the reviewer finds the original penalty is consistent with an offence under this rule and therefore confirms the 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

Registry Location: Level 9, 259 Queen Street, BRISBANE QLD 4001
Postal Address: GPO Box 1639, BRISBANE QLD 4001
Phone: 1300 753 228
Email: enquiries@qcat.qld.gov.au