



**INTERNAL REVIEW DECISION**  
**(Internal Review Decision Notice in response to an Application for Internal Review)**

<b>PART 1: Details of Internal Review</b>	
<b>Internal Review Number:</b>	Internal Review 0052-18
<b>Applicant's Name:</b>	Emma Bell
<b>PART 2: Decision History</b>	
<b>Original Decision:</b>	Breach of Rule 137(a) of the Australian Rules of Racing
<b>Original Decision Makers:</b>	L Collins, G Meek, M Heath
<b>Date of Original Decision:</b>	18 May 2018
<b>Internal Review Decision:</b>	Original decision of charge & penalty confirmed - Fifteen (15) day suspension
<b>Internal Adjudicator:</b>	Mr Kane Ashby, Queensland Racing Integrity Commission
<b>Date of Internal Review Decision:</b>	7 June 2018
<b>PART 3: Summary of Internal Review Application</b>	
<p>The Applicant, Ms Emma Bell, rider of MISHANI GLADIATOR in Race 4 at the Twin Hills Race Club on 22 September 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 18 May 2018, the Applicant was found guilty of a charge of careless riding pursuant to Australian Rule of Racing 137(a) in that inside the 100 metre mark and approaching the winning post, the Applicant lost the use of her off side rein and failed to regather it, or attempt to regather it, and immediately after the winning post shifted out which resulted in BRADMAN being forced out. As a result of this incident, MISHANI GLADIATOR continued outwards and the Applicant was dislodged from MISHANI GLADIATOR with MISHANI GLADIATOR then making contact with the barriers positioned in the outside running rail. BRADMAN also made contact with the barriers and dislodged his rider. The Applicant entered a plea of not guilty to the charge.</p> <p>The stewards, after considering the Applicant's submissions, found the Applicant guilty of the charge.</p> <p>When considering penalty, the stewards took into consideration the Applicant's plea of not-guilty, her good riding record, that the incident was deemed to be a high-range of carelessness and that the Applicant was an apprentice rider of approximately twelve (12) months experience and rode at non-TAB country meetings.</p>	



Stewards subsequently suspended the Applicant's licence for a period of fifteen (15) days to commence at midnight on 26 May 2018 and to expire at midnight on 10 June 2018.

The Applicant sought a review of charge and penalty on the basis the Applicant believes she is not guilty of the charge of careless riding.

The Applicant submitted the following in support of her Application:

*"Upon review of the Penalty Notice sent from Myles Heath on Friday the 18th of May 2018 with regards to the penalty details specifically the wording of the particulars section I disagree with the following section of the charge 'failed to regather or attempt to regather in that time, and immediately after the winning post, shifted out taking BRADMAN (Jockey Coome) outwards'.*

*This sections states: Inside the 100m mark and approaching the winning post, lost the use of the offside rein and failed to regather or attempt to regather in that time, and immediately after the winning post, shifted out taking BRADMAN (Jockey Coome) outwards.*

*The following evidence disputes the aforementioned part of the charge:*

*- within the 100m mark Mishani Gladiator (apprentice Emma Bell's mount) did not come in contact with Bradman (Adrian Coome's mount) or move off the straight line (see video footage: 1.37 onwards)*

*Adrian Coome's mount Bradman gradually moves from a horse width outside Mishani Gladiator to directly next to Mishani Gladiator at the winning post (see video footage 1:37 where Bradman is located on track and 1.42 where Bradman is located on track)*

*- apprentice jockey Emma Bell regained use of rein immediately after winning post and Mishani Gladiator turned to the inside/offside taking three strides inward (see photo below and video footage 1.42 apprentice Bell picking up rein and simultaneously jockey Adrian Coome intentionally steering Bradman toward Mishani Gladiator)*

*Mishani Gladiator at no stage stepped outward and continued to take three strides to the inside/offside and was contacted when jockey Adrian Coome directed his mount to intentionally shoulder Mishani Gladiator (as shown in the video footage 1.43).*

*Mishani Gladiator resented jockey Adrian Coome intentionally hampering/shouldering him with Bradman which caused Mishani Gladiator to react to the hampering by accelerating straight ahead*

*With regards to this Penalty Notice I disagree with the part that states 'failed to regather or attempt to regather in that time and immediately after the winning post, shifted out taking BRADMAN (Jockey Coome) outwards.'*

*The attached race Sonja Wiseman senior jockey riding The Arod dropped her outside rein while riding her horse out in the last 100m. Sonja picked her rein up after the post. No charge or penalty involved.*

*Mackay Turf Club, 15/05/2018, Race 3, Hit F/M Ratings Band 0-60 Handicap 1800m The Arod — Sonja Wiseman*

*The below race Michael Walker senior jockey riding Classic Uniform dropped both reins while riding his horse out in the last 100m. Michael picked the reins up after the post. No charge or penalty involved.*



2. Randwick, 30/09/2017, Race 4, ILVE Appliances Hill Stakes Group Two 1800m Classic Uniform - Michael Walker

*I do not believe this incident warrants a careless riding charge. The evidence provided shows was doing everything in my power to control my mount."*

The outcome sought by the Applicant was that the charge be reported as a racing incident.

#### **PART 4: Reasons for Internal Review Decision**

Mr Gary Meek, chairman of the subject race meeting, provided evidence of his observation of the alleged incident stating *"Riders, as you probably know, I was stationed at the tower at the end of the straight at Twin Hills on this particular day with race four, and that afforded me a head-on view of the incident. At that stage, both the horses, starting probably about 100 metres out, they were sort of neck and neck in a pretty good battle for the finish. Apprentice Bell was on the inside on Mishani Gladiator. Jockey Coome - Adrian Coome - was on Bradman directly to her outside. And as they were going over the last 100 metres, apprentice Bell was riding fairly vigorously with her hands and with the whip as she does, high up, and jockey Coome was pushing his mount out. And as they got right near the finish line I noticed the rein on jockey Bell was on the offside, but as they hit the line, with Twin Hills as soon as you hit the line, you must grab up immediately because it's a sharp turn to go around. And then when apprentice Bell went to go to grab up she had trouble because - grab hold of the rein - and then shortly after the finish line, with jockey Coome on the outside on Bradman, he sort of yelled out some words "what are you doing", or something to that effect, which I could hear, and he tried bumping her to push her around the corner because she had no control of the horse because she didn't have the reins. And then he, as I said, he's tried to bump her and push her and help her around the corner, but at that stage it was to nil effect, they were still on a fairly straight path. And that's when I looked down and they were heading towards the fence - the outside fence - and then directly towards the barriers and the four-wheel-drive vehicle that was attached to the barriers, and shortly before the barriers, jockey Bell, I believe, probably on her own volition, has probably slipped off her horse as she could see the danger which was coming, and jockey Coome, he had no choice, but he stayed with his mount and it hit the drawbar of the four-wheel-drive and the barriers and jockey Coome has been somersaulted through the air and over the fence and landed on the other side of the fence. But with the incident, it's all come from, I believe, apprentice Bell had no control of the horse because of the reins."*<sup>1</sup>

Mr Adrian Coome, rider of BRADMAN which was racing to the outside of MISHANI GLADIATOR, in evidence stated *"No, he summed it up pretty good. Mr Meek summed it up probably as good as I can, sir. I can't add much more to that."*<sup>2</sup>

The Applicant, rider of MISHANI GLADIATOR which was racing to the inside of BRADMAN, in evidence stated *"Oh, yeah, pretty much the same as Mr Meek, but after the post I did actually pick up my reins again and the horse did steer for probably about three strides and then after that, that's when jockey Coome tried to come up beside me and bend my horse even further. But in doing that, then my horse then went straight again after that and took hold and I couldn't steady or turn it."*

<sup>1</sup> Transcripts of Stewards' Inquiry dated 18 May 2018, page 3

<sup>2</sup> Transcripts of Stewards' Inquiry dated 18 May 2018, page 3



Subsequent to viewing the race footage the Applicant added *“So, just there. See his head? So, yeah, about there. But there were between, like, there’s two open horses, like, they’re both, um, you know, provincial winners and whatnot, and the post - between the post and this, like, turn here, it’s - yeah, I don’t know how far that is, but it’s not far at all. And the - like, in most racetracks you have your inside running rail coming around and the outside running rail coming around with it, so it curves with - the inside rail curves and the outside rail curves with it. However, at Twin Hills, there’s obviously that massive turn after the post, but also the outside running rail, it cuts off back here because there’s a chute, and then there’s a fence here and it’s completely straight. So there’s just a big, yeah, gap out here and the outside running rail doesn’t curve with the track. And then, yeah, the barriers are parked, like, half a furlong away from the finish post, and we’re in full flight at that stage.”*<sup>3</sup>

Mr Meek questioned the Applicant stating *“When did you first realise you lost the rein, the offside of the rein?”* to which the Applicant replied *“Um, probably, like, as you said, me and Coomesie were fighting it out for the finish, probably a couple of strides before the post I, yeah, dropped it. But, like, if this had happened on any other track, I don’t think it would have been the same outcome because every other track there’s not that sharp turn after the post and the outside running rail runs with the inside running rail and they don’t park the barriers, like, 100 metres from the end of the race. It’s okay when you’re on slow horses, but once you get onto open provincial winners.”*<sup>4</sup>

Subsequent to viewing the transcript of evidence and race footage, the reviewer finds that near the 100 metre mark the Applicant, rider of MISHANI GLADIATOR, was riding aggressively with the whip in her right hand. The Applicant subsequently lost the use of her offside rein approximately eight (8) strides prior to the winning post and, despite this, continued to ride aggressively with the whip until the winning post. The reviewer finds immediately following the winning post the Applicant attempted to regain the use of her offside rein at which time MISHANI GLADIATOR commenced to shift out forcing BRADMAN out several horses wider on the course. The Applicant subsequently regained the use of her offside rein approximately seven (7) strides following the winning post and attempted to straighten MISHANI GLADIATOR and, despite such attempt, MISHANI GLADIATOR continued on an outwards course taking BRADMAN towards the outside running rail. This ultimately resulted in MISHANI GLADIATOR and BRADMAN colliding into the outside running rail between the tractor and starting barriers. As a consequence, the Applicant was dislodged prior to colliding with the outside running rail and Mr Coome was dislodged subsequent to colliding into the outside running rail. The reviewer acknowledges that subsequent to gaining the use of her offside rein, the Applicant attempted to straighten MISHANI GLADIATOR, however such action was approximately fifteen (15) strides following the Applicant initially losing the use of her offside rein.

The reviewer accepts the Applicant failed to immediately attempt to regain the use of her offside rein and finds considering the Applicant had no direct control over the horse (through her own actions) for approximately fifteen (15) strides, finds it reasonable to conclude that such action was careless in the circumstances and was the major contributor to the incident.

The reviewer acknowledges the Applicants submissions particular to Mr Michael Walker and Miss Sonja Wiseman in instances the respective riders lost the use of their reins prior to the winning post and no charges or penalties were imposed.

<sup>3</sup> Transcripts of Stewards’ Inquiry dated 18 May 2018, page 4

<sup>4</sup> Transcripts of Stewards’ Inquiry dated 18 May 2018, page 5



The reviewer accepts in the above incidents there was no direct interference caused by the aforementioned riders' actions. The reviewer finds each case is treated on its merits and set of circumstances. The reviewer finds in considering the evidence in totality, including the mitigating circumstances and severity of the interference is satisfied the charge is proven.

The stewards deemed the carelessness in the mid to high range. The standard penalty for a mid-range offence is a thirteen (13) day suspension and high-range offence is a seventeen (17) day suspension. The Applicant's disciplinary history notes one (1) careless riding suspension in the last twelve (12) months.

In weighing up the evidence on penalty, consideration was provided to the Applicant's degree of carelessness, the severity of interference caused, not-guilty plea, mitigating circumstances and disciplinary history. The reviewer finds the penalty imposed is consistent with a mid to high-range offence and, taking into account the aforementioned factors and totality of the evidence, is not satisfied a further reduction in penalty is proven in the circumstances 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**

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](mailto:enquiries@qcat.qld.gov.au)