



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 0070-18
Applicant's Name:	Corey Bayliss
PART 2: Decision History	
Original Decision:	Breach of Rule 135(b) of the Australian Rules of Racing
Original Decision Makers:	D Aurisch, I Brown, M Knibbs, R Hanson
Date of Original Decision:	21 July 2018
Internal Review Decision:	Original decision of charge confirmed, penalty amended to a four (4) week suspension
Internal Adjudicator:	Mr Kane Ashby, Queensland Racing Integrity Commission
Date of Internal Review Decision:	13 August 2018
PART 3: Summary of Internal Review Application	
<p>The Applicant, Mr Corey Bayliss, rider of TUMBLER in Race 3 at Doomben on 21 July 2018, was found guilty of a charge under Australian Rule of Racing 135(b).</p> <p>Australian Rule of Racing 135(b) states:</p> <p><i>"The rider of every horse shall take all reasonable and permissible measures throughout the race to ensure that his horse is given full opportunity to win or to obtain the best possible place in the field."</i></p> <p>At the stewards' inquiry conducted on 21 July 2018, the Applicant was found guilty of a charge pursuant to Australian Rule of Racing 135(b) in that the Applicant failed to take all reasonable and permissible measures throughout the race to ensure that TUMBLER was given full opportunity to win or obtain the best possible place in the field with the specifics of the charge being as follows:</p> <ol style="list-style-type: none">1. From the 500 metre mark to the 400 metre mark, the Applicant failed to shift TUMBLER wider on the track when it was reasonable and permissible to do so to ensure that TUMBLER had every opportunity to improve into the race and secure clear running in the home straight; and2. Between the 400 metre mark and the 300 metre mark, the Applicant failed to shift TUMBLER wider and improve into a run between NICCANOVA and APOLOBLOOM when that run was at all times available and it was reasonable and permissible to do so.	



Stewards subsequently suspended the Applicant's licence for a period of six (6) weeks to commence at midnight on 25 July 2018 and to expire at midnight on 5 September 2018.

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

The Applicant submitted the following in support of his Application:

"I am not guilty of the charge of AR135(b) from Race 3 at Doomben on TUMBLER.

Firstly, I did not plead guilty to the charge, all I said to the Chief Steward was that I was guilty of making a mistake in the race. Mr Aurisch has since spoken to QJA President Glen Prentice and he advised that it was Mr Lockwood (my master) who pleaded guilty on my behalf, but my master Mr Lockwood said that he told Mr Aurisch that I was guilty of making a mistake, not guilty of the charge.

I did give my mount every possible and permissible chance in the race, but in those split seconds of a race I choose to stay in and wait for the runs to appear which unfortunately did not eventuate. The reason I stayed in and looked for the shortest way home was due to the slow pace of the race. In hindsight, I clearly would have won the race had I made the decision to come out on Tumbler but a mere error in judgment should not be punishable with a 6 week suspension considering my level of experience as a jockey and as a recent addition to the metropolitan riding ranks.

This is my 2nd charge of this offence and I really didn't know about the seriousness of the charge when I was first charged with it and was unaware of how to conduct myself in the stewards room and therefore I didn't have the knowledge or ability to argue the case and fight the charge.

I request the internal reviewer overturn the stewards decision and find me not guilty of AR135(b)."

The outcome sought by the Applicant was that the Applicant be found not guilty of the charge and to be exonerated in full.

PART 4: Reasons for Internal Review Decision

The Applicant, rider of TUMBLER, was subjected to a stewards' inquiry following his ride on TUMBLER in Race 3 at Doomben on 21 July 2018.

The stewards, in summary, allege from the 500 metre mark to the 400 metre mark the Applicant failed to shift TUMBLER wider on the track when it was reasonable and permissible to ensure TUMBLER had every opportunity to improve into the race and secure clear running in the home straight. Stewards further alleged that between the 400 metre mark and the 300 metre mark the Applicant failed to shift TUMBLER wider and improve into a run between NICCANOVA and APOLOBOOM when such run was at all times available, reasonable and permissible in the circumstances.

The betting on the subject race demonstrated TUMBLER started favorite at \$2.20 and was beaten 0.8 of a length behind the winner AMANAAT. The betting activity demonstrated approximately \$176,193.00 in lay bets was wagered on TUMBLER to lose the race with Betfair.



During the initial stewards' inquiry conducted on 21 July 2018, Mr Daniel Aurisch, Acting Chairman of Stewards of the Queensland Racing Integrity Commission, provided his observations of the race stating *"I viewed the race from the stewards' tower after the winning post and had a head-on view in the home straight. It appeared to me as if you had an opportunity upon straightening to improve into a run outside James Orman's mount, Niccanova, and to the inside of Apoloboom. I was unaware prior to the home turn as to what options you had to shift the horse wider on the track, but it appeared as if you didn't avail yourself of that run, and then you shifted back to the inside and were held up for some distance before attempting a narrow run to improve to the inside of Niccanova over the final part."*¹

Mr Martin Knibbs, Senior Stipendiary Steward of the Queensland Racing Integrity Commission, provided his observations of the race stating *"I did watch Race 3 at Doomben on the home turn near the 400 metre mark. I was aware approaching my tower that Tumbler appeared to be travelling well. Initially I thought he would improve from the fence one-off outside Stella Ombra to follow through Amanaat, however he didn't avail himself of that run, and then directly opposite my tower at about the 400 metres I naturally assumed that Tumbler would be shifted out to follow Niccanova. On straightening, Niccanova - a run - probably room for a horse and half - appeared between Niccanova and Apoloboom on the extreme outside. What raised my concerns was as they straightened for home it appeared to me apprentice Bayliss purposely shifted inside the heels of Niccanova and there was a clear run to the outside of Niccanova, and as result I watched Tumbler up the straight and it appeared as though it was held up for the majority of the straight and probably until the last 50 metres. But it seemed the clear and obvious option would have been to have shifted out and give Tumbler uninterrupted running to the outside."*²

Mr Ian Brown, Acting Deputy Chairman of Stewards of the Queensland Racing Integrity Commission, provided his observations of the race stating *"I was stationed at the 800 metre tower, so I had a view head-on in the back straight and as the field progressed around to Mr Knibbs' tower. I obviously observed Tumbler settle towards the rear of the field, which is its customary racing pattern, and that was of no concern. However, leaving the 600, and getting around to the 400, I did become concerned that apprentice Bayliss hadn't commenced to make a manoeuvre to improve onto the back of Amanaat where I thought there was room for him to improve. That was probably at a point leaving the 500. Upon straightening, because in my position, I couldn't see whether there were runs to the outside, but given the small field and watching the race unfold, the thought process from my point of view would be that apprentice Bayliss would be looking to get to the outside to ensure he had uninterrupted running for the majority of the home straight."*³

The Applicant in evidence stated *"I was (inaudible) into the race at the 500. I wanted to wait until I actually fully straightened and then - for it to hit the line, but it just - I just made the - had a split decision to make between inside and outside and I made the wrong decision and went inside and that's when I ended up being held in for a run."* The chairman of the inquiry questioned *"So prior to the home turn, could you have shifted wider? Like even on Apoloboom's back with a view to coming out in the home straight wider? Like the widest runner"* to which the Applicant replied *"Yeah, I could have come out wider."* The chairman of the inquiry added *"So what is your reasoning for staying to the inside?"* to which the Applicant replied *"I was just hoping for a split and come through - run straight through, but it just didn't happen."*⁴

¹ Transcript of Steward' Inquiry dated 21 July 2018, page 2

² Transcript of Steward' Inquiry dated 21 July 2018, page 2 and 3

³ Transcript of Steward' Inquiry dated 21 July 2018, page 3

⁴ Transcript of Steward' Inquiry dated 21 July 2018, page 3 and 4



Mr Barry Lockwood, trainer of TUMBLER and current employer of the Applicant, in evidence stated *"It is clearly obvious he should have just come out another horse. Had that happened she wins comfortably. At the top of the straight - but ducking back in was the wrong option. He only had come out one horse and it was all over."*⁵

Subsequent to viewing the race footage, the chairman of the inquiry questioned *"Apprentice Bayliss, can you explain to us the reason why you remained to the inside when there was a clear opportunity to improve between Niccanova"* to which the Applicant replied *"I've honestly got no more like this. I have been asking myself since this happened that all I had to do was to go to the outside but I didn't. I can't really add - I don't know. I don't have reason."* The chairman further questioned *"Did you do it on purpose?"* to which the Applicant replied *"No, I didn't do it on purpose."* The chairman then questioned *"Passing the 600 metres, apprentice Bayliss, did you give any thought to when Niccanova and Apoloboom 3 wide go forward of you, tracking up Apoloboom and coming to the outside in the home straight? Did that cross your mind?"* to which the Applicant replied *"No. I just wanted to wait until I straightened up."* The chairman added *"Do you think if you had've gone through that run that we say that you would have won?"* to which the Applicant replied *"Yes, for sure."*⁶ The Applicant added *"It's just a bad decision. Like coming into the race I - that was just the gap I was looking at. I didn't - I didn't think about going to the outside."*⁷

Mr Lockwood, subsequent to viewing the race footage, in evidence stated *"Just watching the race, no different to what I saw from the enclosure. I thought coming to the corner he (Applicant) would just move off the back of Niccanova and, you know, she was travelling well enough to go straight past. But then taking the inside run was just the wrong option by a long way. Yes, just a bad mistake."*⁸

The Applicant's complete review submissions in defence of the charge are outlined in Part 3 of this decision.

The reviewer finds the Applicant's ride must be objectively assessed against many aspects of the evidence, including the quality of the ride, context of the race, race footage, stewards live observations of the race, wagering on the race, and the Applicant's experience. The reviewer accepts the task of administering Rule 135(b) is onerous and finds the 'degree' of error is particularly important when objectively assessing a rider's actions to be blameworthy or not in the circumstances.

Subsequent to viewing the race footage, the reviewer finds the Applicant, rider of TUMBLER, jumped reasonably from barrier 1 before the Applicant permitted the horse to position at the rear of the field. The Applicant continued to remain at the rear of the field and near the 600 metre mark the Applicant was presented with an opportunity to improve his position onto the back of NICCANOVA or APOLOBOOM, which were racing forward of TUMBLER, approximately 2 and 3 horses off the fence and had commenced their runs. The Applicant failed to capitalise on such opportunity, which was reasonable and permissible in the circumstances, and remained at the rear of the field, despite TUMBLER travelling well and having received a soft run in transit.

⁵ Transcript of Steward' Inquiry dated 21 July 2018, page 4

⁶ Transcript of Steward' Inquiry dated 21 July 2018, page 4 and 5

⁷ Transcript of Steward' Inquiry dated 21 July 2018, page 6

⁸ Transcript of Steward' Inquiry dated 21 July 2018, page 5



Approaching the 300 metre mark, the Applicant was presented with an opportunity to improve his position into a run between NICCANOVA and APOLOBOOM, which would have provided TUMBLER with an uninterrupted passage to the winning post. The Applicant failed to capitalise on such opportunity, which was reasonable and permissible in the circumstances, and as a consequence TUMBLER was held up for clear running for the majority of the straight, before gaining a run between NICCANOVA and AMANAAT near the 50 metre mark.

The reviewer finds the Applicant was presented with an extended period of time between the 600 metre mark and 300 metre mark to assess the situation and capitalise on an opportunity approaching the 600 metre mark to shift out a horse or two and trail NICCANOVA and/or APOLOBOOM into the race which would have provided the Applicant with the opportunity to capitalise on a run between NICCANOVA and APOLOBOOM near the 300 metre mark, or alternatively shift to the outside of APOLOBOOM and gain an uninterrupted run to the finish. Such action was more than reasonable and permissible in the circumstances considering the small field size of 6 runners and the context of the race.

The reviewer finds the race footage compelling of such findings and demonstrates the Applicant was presented with two (2) clear opportunities, as identified above, to improve his position at a vital stage of the race which would have provided TUMBLER with the opportunity to improve its position and gain an uninterrupted passage to the winning post. By the Applicant not capitalising on the aforementioned runs, TUMBLER was unnecessarily held up for clear running for the majority of the straight, and consequently such action cost TUMBLER the opportunity to win the race.

The reviewer acknowledges that the Australian Rules of Racing, in particular Rule 135(b), is designed to ensure the rider of every horse takes all reasonable and permissible measures throughout the race to ensure his horse is given full opportunity to win or obtain the best possible place in the field. Rule 135(b) is designed to protect and uphold the integrity of the thoroughbred racing industry. Racing is a sport that survives on wagering, and maintaining the integrity and confidence within the thoroughbred racing industry is paramount to ensure the wagering public and participants can bet with confidence and obtain a fair run for their investment.

The reviewer acknowledges the importance that each case is treated on its merits and set of circumstances. The reviewer finds in considering the aforementioned factors, including the race footage, context of the race, the observations of three (3) senior stewards and the evidence of the Applicant and Mr Lockwood, is satisfied that the Applicant's actions in not attempting to capitalise on the aforementioned opportunities that existed between approximately the 600 and 300 metre mark was in all circumstances blameworthy to the extent that prevented TUMBLER being given full opportunity to win the race and accordingly finds the charge proven.

The Applicant's disciplinary history particular to Rule 135(b) notes a prior offence in February 2017 in which the Applicant incurred a calendar month suspension. The precedents for an offence pursuant to Rule 135(b) in Queensland have incurred penalties between a three (3) week and a six (6) month suspension.

The Applicant is a nineteen (19) year old apprentice jockey in the third year of a four year apprenticeship. The Applicant's first race ride was in May 2016 and in that period until current has ridden in more than 845 races for 110 winners. The Applicant is classified as a 'Metropolitan' apprentice which enables the Applicant to ride at all meetings conducted in Queensland.



Mr Lockwood, in evidence particular to the matter of penalty, stated *"I think being one of his first city rides here at the moment he was under a bit of pressure. He is obviously out to impress. He made the wrong move. It wasn't a deliberate mistake. I mean, he just made a mistake. Certainly no - nothing untoward. Just the wrong move at the wrong time. A 3-kilo apprentice in the city. Had it happened in the country, different matter, but I think some consideration should be given to the fact that he has just come into the city ranks. But, having said that, I didn't see anything sinister in the ride. It was just a bad move on the day. It's all easy in hindsight (inaudible) and the horse wins. He didn't."*⁹

The reviewer accepts the offence the subject of this review pursuant to Rule 135(b) does not discriminate between senior riders or apprentices. The rule is designed to protect the integrity of the industry and betting public and irrespective of rider status, places a responsibility on all riders to take all reasonable and permissible measures throughout a race to ensure their horse is given full opportunity to win or obtain the best possible placing in the field. Notwithstanding, the reviewer accepts, in broad terms, an apprentice rider would receive a lighter penalty based on their experience and culpability.

In weighing up the matter of penalty, consideration was provided to the Applicant's forthright evidence and acceptance for his actions, the Applicant's submissions, penalty precedents, disciplinary history (noting this is the Applicant's second offence) and race riding experience. The reviewer acknowledges the serious nature of the rule and the detrimental effect such actions have in maintaining the integrity and confidence within the thoroughbred racing industry. The reviewer acknowledges the recent Internal Review Decision in *Browne 0066-18* confirmed a two (2) month penalty for an offence pursuant to Rule 135(b), and considering the levels of experience between the two riders and that of the Applicant's forthright evidence and guilty plea finds a reduction in penalty is proven and accordingly amends the penalty to one calendar month suspension.

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

⁹ Transcript of Steward' Inquiry dated 21 July 2018, page 9