



**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 0096-18
<b>Applicant's Name:</b>	Larry Cassidy
<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>	P. Chadwick, J. Williamson, C. Albrecht, L. Hicks, R. Hanson
<b>Date of Original Decision:</b>	6 October 2018
<b>Internal Review Decision:</b>	Original decision of charge and penalty confirmed – Nine (9) day suspension
<b>Internal Adjudicator:</b>	Kane Ashby, Queensland Racing Integrity Commission
<b>Date of Internal Review Decision:</b>	18 October 2018
<b>PART 3: Summary of Internal Review Application</b>	
<p>The Applicant, Mr Larry Cassidy, rider of EL CAMPEADOR in Race 9 Doomben on 6 October 2018, 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 6 October 2018, the Applicant was found guilty of a charge of careless riding pursuant to Australian Rule of Racing 137(a) in that near the 100 metre mark the Applicant permitted EL CAMPEADOR to shift inwards when insufficiently clear of GLENDARA, resulting in GLENDARA having to be checked.</p> <p>Stewards subsequently suspended the Applicant's licence for nine (9) days to commence at midnight on 14 October and to expire at midnight on 23 October 2018.</p> <p>The Applicant sought a review on penalty and submitted the following in support of his Application:</p> <p><i>"I was suspended for careless riding (137a) on Saturday 6/10/18 at Doomben whilst riding El Campeador in Race 9. The interference occurred at approximately the 150m mark. I believe this was a very low grade of carelessness and I should have only been issued a reprimand for the following reasons -</i></p>	



*The rider of Glendara Stephanie Lacey in giving her evidence said that she only had to steady her mount for approximately 1 or 2 strides as her mount was tiring at this time. Please note she said steady her mount and not check.*

*My shift was approximately one horse and within one to two strides I was two lengths clear of Lacey's mount.*

*Lacey having to steady her mount had no impact on her finishing position as she said her mount was tiring at the time.*

*There was no call from the rider inside me.*

*I have had two careless riding suspensions — one in August and one last December. Prior to that, my record is exceptional and I believe I should have been given a reprimand for this minor transgression.*

*I myself have been in Stephanie Lacey's position many times and the erring riders have only been reprimanded. All I'm asking for is consistency across the board."*

The outcome sought by the Applicant was that the penalty be reduced from a suspension to a reprimand.

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

Stewards opened an inquiry into the alleged aforementioned incident that occurred near the 100 metre mark.

Ms Stephanie Lacy rider of GLENDARA which was racing to the inside of EL CAMPEADOR in evidence stated *"Just approaching that mark my horse hasn't really – he has sort of just been maintaining his spot. He wasn't making any ground. Larry's horse has come up on my outside and he's been going better than me and just marginally tightened me up. I just had to take a small hold my horse to avoid his heels. But my horse never travelled well enough to be in the finish".<sup>1</sup>*

The Applicant rider of EL CAMPEADOR which was racing to the outside of GLENDARA in evidence stated *"Look, I obviously wasn't really aware of it. I knew that I had gone past Glendara. You know, it was tiring at the time. I must say that I thought I was clear. Obviously sitting here I possibly wasn't quite that"* (Transcript of Stewards inquiry dated 6 October 2018 page 2). Subsequent to viewing the race footage the Applicant stated *"Look, obviously I've gone in on top of Steph. Had I stayed straight for another may be 2 more strides I'm probably all right, but hence I didn't stay straight for those 2 strides. It's probably more good luck than good management. I can't really say much more."* The Chairman of inquiry questioned *"That's the head-on there. Would you agree you enter her line at that particular point? --- And side on ---"* to which the Applicant replied *"Yeah, yeah. Like ----- I can't deny that".<sup>2</sup>*

Subsequent to viewing the race footage, the reviewer finds near the 100 metre mark the Applicant rider of EL CAMPEADOR was riding aggressively with the whip and permitted his mount to shift in when not clear of GLENDARA, resulting in GLENDARA losing its rightful running and having to be checked. The reviewer finds the Applicants actions in the circumstances unnecessary and placed Ms Lacy and GLENDARA in a precarious position onto the heels EL CAMPEADOR and accordingly is completely satisfied the charge is proven.

<sup>1</sup> Transcript of Stewards inquiry dated 6 October 2018 page 2.

<sup>2</sup> Transcript of Stewards inquiry dated 6 October 2018 page 3.



The stewards deemed the incident as low-range careless riding. The standard penalty for a low-range offence is a ten (10) day suspension. The Applicant's disciplinary history notes one (1) careless riding suspension this calendar year in August 2018.

In weighing up the evidence on penalty, consideration was provided to the Applicant's degree of carelessness, severity of interference, not-guilty plea (after initially pleading guilty to the charge) and disciplinary history. The reviewer in considering the aforementioned factors is not satisfied a reprimand is an appropriate penalty in the circumstances as submitted by the Applicant. The reviewer finds the penalty imposed is consistent with low-range careless riding and accordingly 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  
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