



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 0095-18
Applicant's Name:	Sally Sweeney

PART 2: Decision History

Original Decision:	Breach of Rule 137(b) of the Australian Rules of Racing
Original Decision Makers:	I Brown, N Finnigan, G Lane
Date of Original Decision:	5 October 2018
Internal Review Decision:	Original decision of charge confirmed, penalty amended to a \$1,000.00 fine with \$500.00 to be wholly suspended for a period of two (2) years
Internal Adjudicator:	Mr Kane Ashby, Queensland Racing Integrity Commission
Date of Internal Review Decision:	29 October 2018

PART 3: Summary of Internal Review Application

The Applicant, Ms Sally Sweeney, rider of MISS MELRAE in Race 3 at the Gold Coast Turf Club on 29 September 2018, was found guilty of a charge under Australian Rule of Racing 137(b).

Australian Rule of Racing 137(b) states:

"Any rider may be penalised if, in the opinion of the Stewards, he fails to ride his horse out to the end of the race and/or approaching the end of the race."

At the stewards' inquiry concluded on 5 October 2018, the Applicant was found guilty of a charge pursuant to Australian Rule of Racing 137(b) in that over the concluding stages of the race the Applicant failed to ride MISS MELRAE out to the end of the race. The stewards found the Applicant's actions materially affected the result of the race considering MISS MELRAE (second place-getter) was beaten a nose by the eventual winner JET TRAIN.

Stewards subsequently suspended the Applicant's licence for four (4) weeks to commence at midnight on 13 October 2018 and to expire at midnight on 11 November 2018.

The Applicant sought a review of the charge and penalty and submitted that the penalty was excessive and she should not have been found guilty. The outcome sought by the Applicant was for the decision to be set aside.

PART 4: Reasons for Internal Review Decision

The Applicant, rider of MISS MELRAE, was subjected to a stewards' inquiry following the running of Race 3 at the Gold Coast on 29 September 2018. The stewards, in summary, allege the Applicant failed to ride of MISS MELRAE out to the end of the race.



Subsequent to receiving initial evidence from the Applicant and Mr Ryan Plumb (representative for the Applicant), the inquiry was adjourned to permit the Applicant's employer, Ms Rochelle Smith, to be present.

The stewards' inquiry resumed and concluded on 5 October 2018, where the Applicant was found guilty of a charge pursuant to Australian Rule of Racing 137(b), in that the Applicant failed to ride MISS MELRAE out to the end of the race, which in the opinion of stewards materially affected the placings in the race considering MISS MELRAE (second place-getter) was beaten a nose by the eventual winner JET TRAIN.

The betting data on the subject race demonstrated MISS MELRAE started at \$17.00.

During the initial stewards inquiry conducted on 29 September 2018, Mr Ian Brown, Acting Deputy Chairman of Stewards of the Queensland Racing Integrity Commission and the chairman of the inquiry, provided his observations of the race stating *"Just as the rider of Miss Melrae, watching the race live from the chief stewards tower, I note obviously from the earlier inquiry that you initially got a position outside the leader and raced up on the speed throughout the race. Found the rail in the home straight, and it look to me, to my eye, that you stopped riding your mount prior to the finish of the race for what I would estimate to be 2 strides. I haven't had a chance to look at the patrol footage yet, and my view in the home straight is head-on. Now, it is a fairly serious issue given it was only a nose margin in the race, and obviously the field - the runners out wider on the track were coming home strongly."*¹

The chairman of the inquiry questioned *"Miss Sweeney, before we do go to the films, do you have any comments that you would like to make?"* to which the Applicant replied *"I think I rode right to the line. It was knocking up by the end of it."* The chairman of the inquiry then questioned *"Crossing the line did you think you had won?"* to which the Applicant replied *"I wasn't sure. It was close. I wasn't sure."* The chairman of the inquiry further questioned *"So you knew there was a horse further out on the track?"* to which the Applicant replied *"Yes."*²

Subsequent to viewing the race footage, the Applicant was questioned *"After viewing the films, Miss Sweeney, do you feel like you have ridden your horse right out?"* to which the Applicant replied *"It is hard to tell on the head-on where the actual line was."* The Applicant added *"It might be like half a stride where I thought the post was. Where it looks like I've stopped riding."* Mr Plumb, in evidence, stated *"I think Sally (inaudible) I think it's only three-quarters of a stride that she has stopped riding, and she only stopped hitting it (inaudible). It looks like she - she still gave it momentum. She just didn't give it one last hit really. I think it is just all bar a stride that she sat up on it but didn't stop the momentum. She never eased the horse up anything like that. She still had its momentum going. Looking at the film I don't think it would have changed the result. It was beat 50 out. I think that horse was always going to get her."* Mr Plumb added *"I didn't think she stopped the momentum on the horse. She might have stopped hitting it, but she never stopped. Like she never restrained the horse by - just relaxed in the last stride. Maybe just brought her body up marginally but without - she wasn't coming back on the reins."*³

It was accepted during the stewards' inquiry that the lateral race footage camera was positioned a few strides past the winning post.

Subsequent to the Applicant being issued with a charge of failing to ride MISS MELRAE out to the end of the race, the inquiry was adjourned at the request of the Applicant to permit her employer, Ms Rochelle Smith, to be present.

¹ Transcript of Steward's Inquiry dated 29 September 2018, page 2

² Transcript of Steward's Inquiry dated 29 September 2018, page 3

³ Transcript of Steward's Inquiry dated 29 September 2018, page 4 and 6



During the resumed stewards' inquiry conducted on 5 October 2018, Ms Rochelle Smith, employer of the Applicant, in evidence stated *"I probably say not necessarily stopped riding, but changed position at that point more so than stopped riding. I don't think she makes any contact to ease - ease her mount to any degree. More just that you have changed your - like changed your position."*⁴

Subsequent to viewing the race footage, the reviewer finds the Applicant, rider of MISS MELRAE, positioned the horse in the lead on the rail in the early stages of the race. The Applicant maintained such position for the duration of the race before commencing to ride MISS MELRAE vigorously hands and heels and applying the whip in the straight. The reviewer finds the race footage demonstrates the Applicant failed to ride MISS MELRAE out to the end of the race (albeit for approximately one stride prior to the winning post). The reviewer finds the Applicant's actions, in particular her seat in the saddle, alters approximately one stride prior to the winning post by rising her position in the saddle. Despite the nose margin between the respective horses at the end of the race, the reviewer finds the lateral race footage inconclusive (due to the camera angle) to determine the exact position or margin between MISS MELRAE and JET TRAIN approximately one stride prior to the winning post. Notwithstanding, Australian Rule of Racing 137(b) places an obligation on all riders to ride their horse out to the end of the race and/or approaching the end of the race.

The Rule 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 each case is treated on its merits and set of circumstances. In carefully weighing up the evidence and aforementioned factors, including the context of the race, the reviewer accepts the Applicant failed to ride MISS MELRAE (albeit for one stride) out to the end of the race and accordingly finds the charge of failing to ride MISS MELRAE out to the end of the race proven. Notwithstanding, the reviewer is not completely satisfied to the requisite standard that such actions categorically had a material affect on the placings in the race and therefore provides the Applicant with the benefit of doubt in the circumstances.

The standard penalty in Queensland for an offence pursuant to Australian Rule of Racing 137(b) when it is determined a rider's actions have not had a material affect on the result of the race is between \$200.00 and \$1,000.00. The Applicant's disciplinary history is clear of any previous offence pursuant to the subject rule.

In weighing up the evidence on penalty, consideration was provided to the context of the race, the Applicant's actions, experience, not-guilty plea, penalty precedents and disciplinary history. The reviewer, in considering the totality of evidence and aforementioned factors, amends the original penalty to a \$1,000.00 fine with \$500.00 to be wholly suspended for a period of two (2) years under the provisions of Australian Rule of Racing 196(4) on the condition the Applicant does not reoffend during that period.

For reference, Australian Rule of Racing 196(4) states:

(4) Any person or body authorised by the Rules to penalise any person may in respect of any penalty imposed on a person in relation to the conduct of a person, other than a period of disqualification or a warning off, suspend the operation of that penalty either wholly or in part for a period not exceeding two years upon such terms and conditions as they see fit.

⁴ Transcript of Steward's Inquiry dated 5 October 2018, page 16
Queensland Racing Integrity Commission, Internal Review Decision 0095-18



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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Email: enquiries@qcat.qld.gov.au