



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 0001-19
Applicant's Name:	Dale Evans

PART 2: Decision History

Original Decision:	Breach of Rule 137(a) of the Australian Rules of Racing
Original Decision Makers:	P Zimmermann, G Meek, D Macklyn, M Heath
Date of Original Decision:	29 December 2018
Internal Review Decision:	Original decision of charge and penalty confirmed - Fifteen (15) day suspension
Internal Adjudicator:	Mr Kane Ashby, Queensland Racing Integrity Commission
Date of Internal Review Decision:	25 January 2019

PART 3: Summary of Internal Review Application

The Applicant, Mr Dale Evans, rider of MR ATTITUDE in Race 5 at the Rockhampton Jockey Club on 29 December 2018, was found guilty of a charge of careless riding pursuant to Australian Rule of Racing 137(a).

Australian Rule of Racing 137(a) states:

"Any rider may be penalised if, in the opinion of the Stewards, he is guilty of careless, reckless, improper, incompetent or foul riding."

At the stewards' inquiry conducted on 29 December 2018, the Applicant was found guilty of a charge of careless riding pursuant to Australian Rule of Racing 137(a) in that at a point near the 200 metre mark the Applicant, who was trailing on the heels of DUANSKILL, elected to shift to the inside and attempt a run between TATOI and DUANSKILL when there was insufficient room to do so, resulting in significant interference to TATOI as TATOI was heavily bumped, pushed off stride and forced inward.

Stewards subsequently suspended the Applicant's licence for fifteen (15) days to commence at midnight on 31 December 2018 and to expire at midnight on 15 January 2019.

The Applicant sought a review of the charge and penalty and submitted the following in support of his Application:

"Approaching the 200m mark, my mount Mr Attitude had worked into the race strongly after being back in the field on the fence from a rearward position."



A horse run (narrow) had opened, when going inwards Mr Attitude was into the run but shortly after ran inwards and bumped making contact for a stride with Tatoi, who in turn was weakening while I was in momentum finishing strongly. It was convenient to go through the run at that time.

200m I was in a three and a half wide position behind Duanskill when held up for a stride or two. A gap appeared inside of Duanskill and outside of Tatoi. Mr Attitude had stepped inwards from Duanskill's hindquarters, changed stride, then bumped into Tatoi who was weakening while my momentum and inward one stride movement had taken Tatoi in for a couple of strides. The bump to Tatoi did not cause any interference to the runner to the inside of him. After sprinting quickly through the gap he wanted to run outwards when placed under pressure with the whip over the final 100m of the race. Mr Attitude raced wayward when in the gap by laying inwards then wanted to run outwards in the concluding stages."

The outcome sought by the applicant was that no suspension be imposed or alternatively a reduction in penalty.

PART 4: Reasons for Internal Review Decision

Stewards opened an inquiry into the alleged aforementioned incident that occurred near the 200 metre mark.

Mr Paul Zimmermann, stipendiary steward of the Queensland Racing Integrity Commission and chairman of the stewards' inquiry, provided an observation of the incident stating *"I did note at the particular point leading up to that jockey Evans, Mr Attitude, was coming from a rearward position, improving along the rails. At approximately the 400 metre mark he was held up, did manage to extricate himself away from the rail to the outside. I felt he had improved onto the heels of jockey Tilley before shortly thereafter, nearing the 200, shifting back to the inside and attempting a run between Tilley and Hayse. I felt at the time viewing the incident, from virtually a head-on view, that there was insufficient room at that point for a run. At best, I thought it may have been three-quarters of a run there. However, jockey Evans persisted with the run and made heavy contact to jockey Hayse on Tatoi, which was racing to his inside, which shifted in, inward marginally, and onto McIver, who was racing to his inside. That was my statement."*¹

Mr Les Tilley, rider of DUANSKILL which was racing forward and ahead of MR ATTITUDE, was questioned *"Anything you can add?"* to which Mr Tilley replied *"No, sir."*²

Mr David Hayse, rider of TATOI which was racing forward and to the inside of MR ATTITUDE, in evidence stated *"There was - jockey Tilley and I separated a little bit and created a very, very sort of minor gap, enough to give jockey Evans hope, and he pushed through there, he was going way too well with competitive people and he was doing his best, I guess, and that was - that was that."* The chairman of the inquiry questioned *"At that particular point, I said in my statement that at best there was three-quarters of a run. Do you think that's fairly..."* to which Mr Hayse replied *"I'd say that's fairly accurate."*³

The Applicant, rider of MR ATTITUDE which was trailing DUANSKILL and improving its position, in evidence stated *"I think I went over this. As I stated before, sir, I was coming - I saw a run and was well back in the field coming into the race quite strongly. It was a run that, even though it was tight, it opened enough that I was able to push through it*

¹ Transcript of Stewards' Inquiry dated 29 December 2018, page 2

² Transcript of Stewards' Inquiry dated 29 December 2018, page 2

³ Transcript of Stewards' Inquiry dated 29 December 2018, page 2 and 3



because he was going so well, otherwise I was probably on jockey Tilley's heels. So I took the option of taking that run going through and, you know, I did bump into jockey Hayse at that point, give him a fair bump, sir, and then he continued - and then I continued on through the gap." The chairman of the inquiry questioned "Was it a case at that particular point where you could see that there was a gap appearing, it wasn't a full gap for a horse to proceed through, but at that point did you take the odds to it hoping that the run would get bigger rather than having to force a passage through?" to which the Applicant replied "It's probably, sir, that he was travelling that well and at that time I didn't have much of a choice but ease and probably hit Les Tilley's heels, or take the run where it opened three-quarters or enough for me to go through it. Probably because he was travelling that well, he just went through it as well, sir, which probably helped. It probably wasn't much help to David Hayse, giving him the bump. The only thing is that when he did bump him he was going forward and away from him, too, but so quickly. It was sort of one stride, bump and then away."⁴

Subsequent to viewing the race footage, the reviewer finds that near the 200 metre mark the Applicant, rider of MR ATTITUDE which was trailing DUANSKILL and improving its position, permitted his mount to shift to the inside of DUANSKILL and attempt a run between that horse and TATOI when there was insufficient room. This resulted in TATOI being severely bumped and becoming unbalanced and taken in off its rightful running line and DESERT GREY, which was following, being inconvenienced as a consequence. The reviewer, in considering the evidence and race footage, is not satisfied there was a clear run between DUANSKILL and TATOI at the time the Applicant attempted such run and consequently forced a run between the aforementioned horses, as opposed to restraining his mount. Accordingly, the reviewer finds the Applicant's actions were the sole cause of the aforementioned interference and therefore is satisfied the charge the subject of review is proven.

The stewards deemed the incident to be in the high-range. The standard penalty for a high-range offence is a seventeen (17) day suspension. The Applicant's disciplinary history is clear of any careless riding offence in the past eight (8) months.

In weighing up the evidence particular to penalty, consideration was provided to the Applicant's degree of carelessness, severity of interference, not-guilty plea and disciplinary history. The Applicant received a two (2) day reduction in penalty for his recent respectable disciplinary history. The reviewer, in considering the aforementioned factors, is not satisfied a further reduction in penalty is proven in the circumstances and finds the penalty consistent with a high-range careless riding offence 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:

⁴ Transcript of Stewards' Inquiry dated 29 December 2018, page 3



**QUEENSLAND RACING
INTEGRITY COMMISSION**

Queensland Civil and Administrative Tribunal

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