



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 0003-19
Applicant's Name:	Jeff Lloyd

PART 2: Decision History

Original Decision:	Breach of Rule 137(a) of the Australian Rules of Racing
Original Decision Makers:	J Williamson, C Albrecht, L Hicks, G Goold, S Heidke
Date of Original Decision:	6 January 2019
Internal Review Decision:	Original decision of charge and penalty confirmed - Eight (8) 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 Jeff Lloyd, rider of SOLTINHO LAD in Race 7 at the Sunshine Coast Turf Club on 6 January 2019 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 6 January 2019, the Applicant was found guilty of a charge of careless riding pursuant to Australian Rule of Racing 137(a) in that over the concluding stages, after directing SOLTINHO LAD out, the Applicant allowed SOLTINHO LAD to shift out under whip pressure, resulting in THE BUMBLEBEE being tightened for room and causing the rider of that horse to take hold and lose its rightful running to the inside of DON'T STUTTER.

Stewards subsequently suspended the Applicant's licence for eight (8) days to commence at midnight on 13 January 2019 and to expire at midnight on 21 January 2019.

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

"1. I contend that I am not guilty of the charge.

2. I acknowledge that at the conclusion of the race my horse began to fatigue and shifted to the outside slightly however this did not cause the interference to The Bumblebee.

3. The Stewards did not take into account the inward trajectory of DON'T STUTTER which upon examination of the lateral film is the major cause for the crowing of The Bumblebee.



4. *The Stewards erred in finding me guilty.*

5. *I believe the decision to suspend me was harsh and not supported by the evidence.”*

The outcome sought by the Applicant was that the decision of the stewards to suspend the Applicant’s licence be set aside.

PART 4: Reasons for Internal Review Decision

Stewards opened an inquiry into the alleged aforementioned incident that occurred over the concluding stages of the race.

Mr James Williamson, stipendiary steward of the Queensland Racing Integrity Commission and chairman of the inquiry, provided an observation of the incident stating *“An incident in the home straight, it appeared from my head-on vantage point that over the concluding stages, jockey Gray, you were to the inside of Dale Smith. I felt Dale Smith kept a straight line, from my observation, but it appeared that yourself, jockey Lloyd, shifted out under pressure and that resulted in the racing room of jockey Gray being reduced and jockey Gray had to take hold and lost ground, or lost his rightful racing room, and also lost ground at that stage.”*¹

Mr Matthew Gray, rider of THE BUMBLEBEE which was racing to the outside of SOLTINHO LAD, in evidence stated *“We were getting sort of close to the post, sir, and, as you said, I don’t think the outside come in much but there was a bit of calling and I don’t think Jeff sort of moved under pressure, I think sort of he heard a call and sort of come out and sort of didn’t realise I was sort of up in there, but it’s just lucky mine wasn’t finding the line too strongly and sort of just inconvenienced me and I’ve had to sort of come out of it. But we were pretty close to the line, but it was the inside come out a little bit.”*²

The Applicant, rider of SOLTINHO LAD which was racing forward and to the inside of THE BUMBLEBEE, in evidence stated *“Yeah, he just started actually tiring and laying in the last probably 100, getting tired, and I heard a call to the inside and I sort of had a peek and I thought there - I could see there were a couple of horses on my inside, and because he was laying in, and I think it was Mark who give a call. I’m not sure if it was Mark or the one on the fence. And I deliberately came off a horse thinking maybe there’s more than just two. Yeah. And I wasn’t aware that Matthew was probably racing a length and a half behind me when I’ve pulled him out, probably thinking there might be something going on on my inside.”*³

Subsequent to being issued with the aforementioned charge, the Applicant in evidence stated *“I still feel there’s a run there but, between us”* to which the chairman of the inquiry replied *“Between yourself and Mr Smith, is that what you’re referring to?”* to which the Applicant replied *“Yes, sir. I just feel he’s easing there but he’s still got half a horse width and then we’ve gone away from him. But there’s a half a horse width between him and Dale Smith where I feel there was still room for him. But he’s just coming back and I’m coming out. But I do feel there’s still half a horse width between him and Dale Smith.”*⁴

¹ Transcript of Stewards’ Inquiry dated 6 January 2019, page 2

² Transcript of Stewards’ Inquiry dated 6 January 2019, page 2

³ Transcript of Stewards’ Inquiry dated 6 January 2019, page 3

⁴ Transcript of Stewards’ Inquiry dated 6 January 2019, page 5 and 6



Subsequent to viewing the race footage, the reviewer finds that approaching the winning post the Applicant, rider of SOLTINHO LAD, when riding forward with the whip permitted his mount to shift out when not sufficiently clear of THE BUMBLEBEE, resulting in the THE BUMBLEBEE losing its rightful running when tightened for room and having to be checked to avoid the heels of SOLTINHO LAD. The reviewer rejects the Applicant's assertion stating "*there was still a run there*" (between SOLTINHO LAD and DON'T STUTTER) and finds the evidence compelling in that there was insufficient galloping room for THE BUMBLEBEE to hold its position between the aforementioned horses due to the tightening received by SOLTINHO LAD.

The Applicant submitted "*The stewards did not take into account the inwards trajectory of DON'T STUTTER which upon examination of the lateral film is the major cause of crowding to THE BUMBLEBEE.*" The reviewer accepts DON'T STUTTER, which was laying in, shifted in marginally. Notwithstanding, the reviewer finds such shift was minimal and did not interfere with THE BUMBLEBEE's running line or cause the aforementioned interference. This is clearly demonstrated by the 'true' rear and head on race footage and supported by Mr Gray's evidence in response to a question "*He (Dale Smith rider of DON'T STUTTER) probably shifts in a little bit but he probably doesn't affect your line, though - jockey Smith*" to which Mr Gray replied "*Oh, no, no, it was more after the incident that his horse probably kept laying in as well.*"⁵ The reviewer, having considered the evidence and aforementioned factors, is completely satisfied the charge the subject of review is proven.

The stewards deemed the incident to be in the low-range. The standard penalty for a low-range offence is a ten (10) day suspension. The Applicant's disciplinary history demonstrates two (2) low-range careless riding offences in 2018.

In weighing up the evidence particular to penalty, consideration was provided to the Applicant's submissions, 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 finds the penalty is consistent with a low-range offence and is not satisfied a further reduction in penalty is proven 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
Email: enquiries@qcat.qld.gov.au

⁵ Transcript of Stewards' Inquiry dated 6 January 2019, page 4