

DECISION

Racing Integrity Act 2016, sections 252AH, 252BM

Review application number	RAP-94	
Name	Ryan Wiggins	
Panel	Mr. K J O'Brien AM (Chairperson) Ms. L Hicks (Panel Member) Mr. K Waller (Panel Member)	
Code	Thoroughbreds	
Rule	Australian Rules of Racing 131(a) <i>A rider must not, in the opinion of the Stewards engage in careless, reckless, improper, incompetent or foul riding</i>	
Penalty Notice number	PN-009870	
Appearances & Representation	Applicant	Self-represented
	Respondent	Queensland Racing Integrity Commission Brett Wright
Hearing Date	10 May 2024	
Decision Date	10 May 2024	
Decision <i>(delivered ex tempore)</i>	Pursuant to 252AH(1)(b) the Racing decision is varied by substituting a licence suspension of six days operative from midnight 4 May 2024 and ending midnight 10 May 2024	
Case References	<i>Rawiller v Racing NSW – NSW Racing Appeals Panel 1 April 2021</i>	

Reasons for Decision

- [1] The Applicant in this matter is licensed jockey Mr. Ryan Wiggins. Mr. Wiggins was the rider of the thoroughbred racehorse Money Bear in Race 9 at Beaudesert on 4 May 2024.
- [2] Following the running of that race a Stewards Inquiry was held which resulted in the Applicant being charged with an offence of careless riding under Australian Rules of Racing Rule 131(a). He entered a guilty plea to that charge and received a penalty of a nine-day suspension of licence operative from midnight on 4th May 2024 until midnight 13 May 2024.
- [3] Pursuant to section 252 AB of the *Racing Integrity Act 2016* he now seeks a review of that decision on the grounds that the grading of the charge and the penalty imposed were excessive.
- [4] The charge to which the Applicant pleaded guilty alleged that he had permitted his mount Money Bear to shift out passing the 200-meter mark, taking the horse Miss Shu ridden by Jockey Sean Cormack off its course, and obliging the rider to turn that filly's head out and away from heels and eventually take hold.
- [5] In his notice of application, the Applicant states that he is appealing the severity of both high range carelessness and the length of the suspension.
- [6] By way of detail to support his application he states that Stewards agreed with interfered Jockey Cormack that he did not check his mount, only altered his course. Stewards had warned jockeys before the race of the sun glare because of the lateness of the meeting due to a delay for a fall in a previous race.
- [7] He states:
- It was difficult to see in front of them in the straight. I could not see Jockey Cormack's mount. But as I felt I did interfere with his mount, I pleaded guilty to the charge of careless riding. I have not had a suspension in more than two years and approximately 1300 rides. The penalty is excessive for someone with a very good record, and it was not high-end carelessness.*
- [8] At the Stewards' Hearing evidence was taken from both jockeys involved in the incident. Jockey Cormack described seeing the Applicant's horse laying out and had opted to "not to get into trouble" by "looking for another run". He seemed to accept that Money Bear had got into his running, causing him to ease off, but was adamant he did not have to check his mount. The Applicant described the sun glaring in his face as his horse shifted out to make the turn.
- [9] Aside from the evidence of the two jockeys, the Stewards were also able to view the race footage, as were the Applicant and Jockey Cormack.
- [10] In deciding penalty, the Stewards applied the careless riding template which appears as Annexure A in the Queensland Racing Integrity Commission Penalty Guidelines. The careless riding template became part of the Penalty Guidelines in October 2003 and, effectively, it outlines the methodology to be used as a guide for determining the appropriate penalty for careless riding breaches of Australian Rules of Racing 131(a).
- [11] The carelessness involved in this case was graded by the Stewards as being high, with the consequence of hampering or crowding Jockey Cormack's mount. Under the template that equated to a 13-day

suspension, which was reduced by three days to reflect the Applicant's past record, described as "excellent" by the Stewards, and by a further period of one day to reflect his plea of guilty.

[12] The end result was the nine-day suspension of the Applicant's licence.

[13] This Panel has had the opportunity to view the footage of the race and has now done so on numerous occasions. The Panel accepts in this case that the Applicant's mount does shift out and that it does cause Jockey Cormack to ease his mount and cross inwards over heels to obtain clear running. In our view the interference that is the subject of the charge occurs over a relatively short period of time.

One of the issues that we must confront is the categorisation of the level of carelessness. In *Rawiller v Racing New South Wales*¹ the Panel considered a situation where the appellant had crossed the path of another horse or another jockey when he was not sufficiently clear of that jockey's horse. One of the issues was whether the carelessness should, in the circumstances of that case, be regarded as being of low or medium grading. The Panel made the following observation:

Making a decision on grading carelessness as "low" or "medium" is not a precise art. Experience and judgement come into it, but even two experienced and reasonable judges of horse racing (including those with race riding experience) might respectfully disagree over whether a ride is in breach of the rule or not, or if in breach, whether the carelessness should be graded as "low" or "medium".²

[14] The Panel there of course was considering a grading of either low or medium range, but the observations apply equally to all assessments of grading.

[15] It is the view of this Panel that although the issue of careless riding is not in dispute, the level of carelessness involved does not fall within the high range. Rather we consider it to fall within the medium range, and indeed towards the lower end of that medium range.

[16] We consider therefore that the starting point for penalty in this case should be, in accordance with the template, one of 10 days suspension. We would apply the same discounting as did the Stewards- three days to reflect the Applicant's very good record and a further day to acknowledge his plea of guilty. The result being an effective period of six days suspension.

[17] Pursuant to Section 252AH(1)(b) of the *Racing Integrity Act 2016* the order of this Panel is that the racing decision the subject of this appeal should be varied to a licence suspension of six days commencing midnight on 4 May 2024 and expiring at midnight on 10 May 2024,

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¹ *Rawiller v Racing New South Wales* NSW Racing Appeals Panel 1 April 2021

² *Ibid* [6]