

DECISION

Racing Integrity Act 2016, sections 252AH, 252BM

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| Review application number | RAP-15 | |
| Name | Kyle Wilson-Taylor | |
| Panel | Mr. Kerry O'Brien AM (Chairperson) Mr Ken Waller (Panel Member) Ms Juanita Maiden (Panel Member) | |
| Code | Thoroughbreds | |
| Rule | Australian Rule of Racing AR 131(a) A rider must not, in the opinion of the Stewards engage in careless, reckless, improper, incompetent or foul riding; | |
| Penalty Notice number | PN-008019 | |
| Appearances & Representation | Applicant | Self-represented |
| | Respondent | Mr Joshua Adams |
| Hearing Date | 24 May 2023 | |
| Decision Date | 24 May 2023 | |
| Decision | The racing decision the subject of this application is confirmed. | |
| Panel Penalty | 13 Day Suspension to commence at midnight on 20 May 2023 and end at midnight on 2 June 2023. | |

Reasons for Decision

- [1] The applicant in this matter is Kyle Wilson-Taylor and he is a registered jockey.
- [2] On the 13th of May 2023, following an inquiry conducted by stewards into his ride on the horse Comrade Rosa in race 9 at Doomben, Mr Wilson-Taylor was found guilty of a charge of careless riding pursuant to Rule 131(a) of the Australian Rules of Racing.
- [3] Mr Wilson-Taylor pleaded guilty to the charge which was deemed to constitute mid range carelessness and was suspended from riding for a period of 13 days commencing at midnight on the 20th of May 2023 and ending at midnight 2nd of June 2023.
- [4] He now seeks to have that decision revisited on the grounds that the penalty is excessive.
- [5] The particulars of the charge of careless riding levelled against the applicant are as follows;

“Approaching the 100 metres, Mr Wilson-Taylor directed his mount inwards to attempt to improve into a run to the inside of Extremist, which forced Ghaanati across the heels of Typhoon Taavi, causing that horse (Ghaanati) to lose its rightful running, be restrained and lose ground.”
- [6] The panel acknowledges that many of these situations are not easy to assess and there can be a fine line in determining when a matter is simply competitive riding or whether it may amount to careless riding.
- [7] The panel has had the opportunity to review the footage of the race and considered the submissions made not only by the applicant but by Mr Adams who was the principal steward on this occasion.
- [8] Having considered and reviewed the race footage carefully, it is the Panels assessment that jockey Williams, who was riding the horse Ghaanati, had in fact shifted direction to attain the run to which he was entitled.
- [9] It is the Panels opinion that the applicant, then angled back in to seek a run for his own horse which resulted in jockey Williams’ horse Ghaanati being forced back across the heels of the horse Typhoon Taavi and therefore caused jockey Williams to check severely to avoid the heels of that horse.
- [10] The consequence was the creation of a situation of potential dangerousness.
- [11] The Panel is therefore of the view that the riding did constitute carelessness which, given the element of potential dangerous which is existed here, falls within the mid range.
- [12] Mr Wilson-Taylor has indicated that he felt he had already lost the opportunity for a group one ride as a consequence of this suspension.
- [13] This is timely to repeat the comments of the panel in another recent decision of Beriman, RAP-10 which was delivered on the 12th of May 2023.

“The mere fact that a suspension may have the consequence that a jockey may miss the opportunity to ride in a particular race or at a particular race should not of itself or as a

matter of course constitute a ground for mitigating a penalty otherwise objectively appropriate and merited by the breaching conduct.”

[14] The starting point for mid range breaching of this nature under the penalty guidelines is 13 days.

[15] It is acknowledged that the applicant pleaded guilty, which would have ordinarily entitled him to a discount of one day. On the other hand, his record is poor with numerous entries for careless riding. Indeed, he had only returned from a similar suspension the day prior to this.

[16] Considering all the circumstances, the penalty of 13 days is deemed appropriate.

[17] The Panel’s decision is that the racing decision made by the stewards is confirmed.

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