

DECISION

Racing Integrity Act 2016, sections 252AH, 252BM

Review application number	RAP-10	
Name	Nikita Beriman	
Panel	Mr Kerry O'Brien AM (Chairperson) Ms Lyndsey Hicks (Panel Member) Mr Ken Waller (Panel Member)	
Code	Thoroughbreds	
Rule	Australian Rules of Racing 131(a) A rider must not, in the opinion of the stewards engage in careless, reckless, improper, incompetent or foul riding;	
Penalty Notice number	PN7976	
Appearances & Representation	Applicant	Self Represented
	Respondent	Mr Josh Adams Ms Anna Rettke
Hearing Date	12 May 2023	
Decision Date	12 May 2023	
Decision <i>(delivered ex tempore)</i>	Confirmed	
Panel Penalty	Fifteen day suspension commencing midnight 15 th May 2023 to 30 th May 2023	

Reasons for Decision

1. Ms Nikita Beriman, the Applicant in this matter is a licensed jockey. On the 6th May 2023, following her ride on the horse She Mine in race four at the Sunshine Coast, she was found guilty of an offence of Careless Riding under AR131(a) of the Australian Rules of Racing. The penalty imposed was one of fifteen days suspension of licence to commence at midnight on the 15th of May 2023 and to end at midnight on the 30th of May 2023
2. The applicant does not challenge the determination of careless riding, but argues that the penalty imposed was excessive, 'especially considering the meetings that (she) will be forced to miss over the Winter Carnival'. Further, she argues that the degree of carelessness should fall within the low to mid-range, meriting a penalty of no more than 10 days suspension.
3. The particulars of the charge of careless riding levelled against the applicant were as follows:

"During the running of Race 4 as the rider of She Mine passing the 1000 meters and riding inwards made heavy contact with Russian Alliance, carrying that horse in across heels and causing that horse to be checked."
4. The panel has today heard submissions from the applicant and from the respondent to this application and has also seen and examined carefully footage of the race and heard the recordings of the hearing, conducted by the Stewards on the 6th of May.
5. The panel in an application such as this must conduct its own review of the material and form its own determination of the conduct involved.
6. In the panels view, the race footage here clearly shows that the applicant's mount, She Mine shifts from a wider barrier across behind horses at an acute angle before making direct and heavy contact with the horse Russian Alliance ridden by jockey Larry Cassidy. The contact is forceful and Russian Alliance is clearly placed in a precarious position as jockey Cassidy is forced to take hold and check severely to avoid contacting the heels of jockey Wishart's mount. Jockey Cassidy was maintaining his line one off the fence and in the panels view there is no basis for any assumption that he intended to adopt a different line.
7. Critically, in the panel's view the applicant made no attempt to straighten her horse prior to the contact with Russian Alliance.
8. The stewards categorised the applicant's conduct as falling within the high range for careless riding. The panel is of the same view.
9. The penalty starting point for high range careless riding is identified in the penalty guidelines as sixteen days suspension. The applicant has only one entry for careless riding, a matter acknowledged by the stewards in determining penalty and in fixing the penalty of fifteen days suspension.
10. The penalty guidelines identify the purpose of penalties as being the maintenance of standards of integrity within the racing industry and the important messages associated with general and specific deterrence.
11. Although there are many factors to be considered in determining penalty and a wide range of matters that need to be taken into account, 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 meeting 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.

12. This is particularly so where, as in this case, the level of offending conduct is deemed to be of a high order. For these reasons, the panel is of the view that the application should be dismissed, and the panel order is that the racing decision, the subject of the application, is confirmed.

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