

DECISION

Racing Integrity Act 2016, sections 252AH, 252BM

Review application number	RAP-46	
Name	Shania Willis	
Panel	Mr Kerry O'Brien (Chairperson) Mr Ken Waller (Panel Member) Mr John McCoy (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-008692	
Appearances & Representation	Applicant	Self represented
	Respondent	Paul Zimmerman
Hearing Date	24 August 2023	
Decision Date	24 August 2023	
Decision	Pursuant to 252AH(1)(a) the Racing decision is confirmed. <i>(delivered ex tempore)</i>	
Panel Penalty	8 Day Suspension to commence on midnight the 28 August 2023	

Reasons for Decision

- [1] Shania Willis, the Applicant in this matter is an apprentice jockey.
- [2] On the 19th of August 2023, following her ride on the horse True Tally in race 4 at Gympie, she was found guilty of an offence of careless riding under Rule 131(a) of the Australian Rules of Racing.
- [3] The penalty imposed was one of 8 days suspension of licence commencing at midnight on the 28th of August 2023 and expiring at midnight on the 5th of September 2023.
- [4] The particulars of the charge against the Applicant, where as follows:
‘Near the 1000m, Apprentice Willis made insufficient effort to prevent her mount from shifting in, when insufficiently clear of Red Gadget, which resulted in that runner being awkwardly placed at its heels, have to be checked and lose its position.’
- [5] The Applicant entered a plea of guilty to the charge, and Stewards found her careless riding to fall within the low range though towards the upper end of that low range.
- [6] The penalty starting point under the Queensland Thoroughbred Racing Penalty Guidelines is a 10 days suspension for low range careless riding.
- [7] The Stewards took into account, her generally good record, her plea of guilty and acknowledged also her efforts to pull her mount away from the resulting situation.
- [8] The result was the imposition of the penalty of eight days suspension.
- [9] In her application, the Applicant sets out her reasons for seeking this review as follows:
‘After reviewing the footage at home with my support persons, I believe I made sufficient effort to release the pressure and taking into account the interferences from other horses in the race I don’t plead guilty to the charge I was issued.’
‘I did not breach the rule of racing.’
- [10] The Applicant goes on to provide the following details:
‘I strongly believe I made sufficient effort to relieve the pressure off Red Gadget once I received a call from jockey Steele. Video footage shows my horses (True Tally) head turned out and continuously checking back to asses where the other riders are before continuing to cross. Video footage also shows inside horse (Late Night Devil) hanging out also causing interference with Red Gadget.
Stewards footage also shows Ms Steele pushing her horse out and then coming into contact with Late Night Devil so beginning to ease and then continuing to push her mount. With other horses causing interference and my horse being quite difficult to control at the time, I think I did everything I could at this point of the race to prevent as much interference as possible. I think a reprimand is an appropriate penalty over a Careless riding charge.’
- [11] Although the Applicant pleaded guilty to the charge before the Stewards, and was in fact given credit for that plea when the penalty was imposed, it appears that she now wishes to change that plea to one of not guilty.
- [12] The review by this panel is by way of fresh hearing on the merits, having regard to the material before the Stewards hearing as well of course, as any further material introduced pursuant to the provisions of the legislation.

- [13] The questions for this panel, are firstly, whether we are satisfied on the evidence that the charge of careless riding is established to the requisite standard, and secondly, if so, what should be the appropriate penalty.
- [14] In determining this matter, the Panel has had regard to the footage of the race and to the audio recording of the evidence that was taken at the Stewards Inquiry.
- [15] We've considered also the Applicants application for review in which her arguments are set out and of course, we have regard to the submissions which she has made before us today.
- [16] It is necessary that I that we should make some reference to the evidence that was taken by the Stewards. The rider of the horse, Red Gadget, gave evidence as follows:
- 'I received a lot of pressure from the outside coming across, taking a lot of my running and then there is no pressure relief from inside. My horse was racing quite strongly, I've tried to check out, calling quite a bit. It was my run to be there. I tried to check out of it. I had no way to pull out of that run and I've ended up on heels.'
- [17] She was asked what action she had have to take to her mount and said I've had to take hold of my horse.
- [18] Her evidence was, "I had to steer my horse to avoid heels. If I had continued with my line, definitely there would have been contact.
- [19] She said she ran out of racing room and "was in a whole lot of trouble". Her evidence was that the Applicants horse was only half a length in front of her when the applicant moved across.
- [20] The rider of the horse Late Night Devil, jockey Thorburn, said that he saw the Applicant moving across. He considers that she was cutting across to early.
- [21] The Applicant gave evidence saying that she had trouble with her horse wanted to lay in. He was raising quite keenly. She said she did hear the rider of the horse Red Gadget call, that rider was getting into a bit of trouble. She said "I was trying my best to keep him off and until It was definitely clear to across and that's when I did push across."
- [22] The rider of the horse, Red Gadget, she said, "did get into a bit of mischief" with her horse grabbing the bit and my horse wanting to lay in.
- [23] Contrary to the evidence of the rider of Red Gadget, the applicant considered that she was clear of Red Gadget when she crossed. She then said she tried to alleviate the situation by turning her horse back out.
- [24] The Stewards report noted that near the 100 metres the horse Red Gadget became awkwardly placed on the heels of True Tally which had shifted in. Although not determinative of the matter, the Stewards observations should not be lightly discounted.
- [25] As indicated, the Applicant entered a plea of guilty before the Stewards Inquiry, she now wishes to change that plea to one of not guilty. She states to the panel, that she felt intimidated by the events of the inquiry.
- [26] In the Panel's view that claim is not born out by objective consideration. She was offered the opportunity of representation at very early stage of the inquiry. The questioning of her can only be described as being of a relatively gentle nature, certainly containing no indication of badgering or intimidation, indeed, the tone of her account given it to the Stewards Inquiry does not bear out any

claim of intimidation. We, of course, were able to make some assessment of the Applicants demeanour as she appeared before us today, unrepresented. We simply did not accept that any plea of guilty was entered as a result of intimidation.

- [27] We have made some reference to the evidence of the riders of Red Gadget and Late Night Devil. That evidence supports the view that the Applicant moved her horse across when she was insufficiently clear.
- [28] The video of the race provides the best and most compelling evidence of all. It does show some contact or incident involving Red Gadget and Late Night Devil. It is clear from the recordings that the Stewards did in fact consider the contact between those horses. That contact occurred however before the Applicant's offending manoeuvre and does not excuse any careless riding on her part.
- [29] In the panel's assessment of the video evidence in particular the applicant did not in fact hold her line, but kept moving in when insufficiently clear and made very little effort to straighten.
- [30] We accept the view expressed by the stewards that, although the applicant did endeavour to 'pull away', the danger had already occurred. The offending incident had passed.
- [31] Stewards categorised the Applicants conduct as falling within the low category of careless riding, towards the higher end of that range. The Panel shares that view.
- [32] The penalty guidelines identify the purpose of penalties as being the maintenance of standards of integrity within the racing industry and the important message associated with general and specific deterrence.
- [33] The cost of imposing a penalty involves a balancing between the severity of the offence, the need for deterrence and any mitigating factors.
- [34] It is the Panel's view that the imposition of the penalty of 8 days suspension was appropriate in the circumstances of this case.
- [35] The order of the panel pursuant to 252AH of the *Racing Integrity Act 2016* is to confirm the racing decision.