

DECISION

Racing Integrity Act 2016, sections 252AH, 252BM

Review application number	RAP-127	
Name	Madeleine Wishart	
Panel	Mr K J O'Brien AM (Chairperson) Mr J McCoy OAM (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- 011095	
Appearances & Representation	Applicant	Self-represented
	Respondent	K Daly Queensland Racing Integrity Commission
Hearing Date	24 January 2025	
Decision Date	24 January 2025	
Decision	Pursuant to 252AH(1)(a) the Racing Decision is Confirmed <i>(delivered ex tempore)</i>	
Case References	<i>Nil</i>	

Reasons for Decision

- [1] This is an application by licenced jockey Ms Madeline Wishart for the review of a racing decision made by Stewards on 17 January 2025. On that date, following the running of race seven on the Dalby and Northern Downs Jockey Club race meeting, the Applicant, as the rider of the horse Bag of Whitt in that race, had been found guilty of an offence of careless riding contrary to Australian Rule of Racing 131(a).
- [2] The charge against the Applicant was in these terms:
- ...approaching the 700m up to and including the 600m point in the event your shifted in dictating the line of KINGS Gold resulting in BLACK MINTO being checked and a short distance later again the rider of KINGS GOLD was forced to check his mount off the heels of your mount BAG OF WHITT*
- [3] The Applicant pleaded guilty to the charge and by way of penalty a licence suspension of 14 days duration operative from midnight on 19 January 2025 until midnight on 2 February 2025 was imposed.
- [4] The penalty was determined through the application of the Careless Riding Template, which appears as Annexure A to the Queensland Racing Integrity Commission Thoroughbred Racing Penalty Guidelines. The Stewards assessed the level of carelessness as falling within the medium range, with the consequence of other runners being checked. Pursuant to the template, this attracted a starting penalty of 13 days suspension of licence. The Applicant's previous riding record attracted an additional two day penalty, with the resulting penalty of 15 days then reduced by one day to reflect her plea of guilty.
- [5] The Applicant does not now challenge the charge of careless riding, nor does she seek to withdraw her plea of guilty to that charge. She contends however, that the penalty was excessive and that a "low range suspension or reprimand would be the more appropriate outcome".
- [6] The Applicant's principal argument is that the Incident was not caused by her conduct alone, but that there were other contributing factors. She has addressed those matters in her submissions to the Panel this morning and they are set out also in a statement which accompanied her formal application when it was lodged before the Panel, and set out as below:

This incident was not caused by just me, there were other factors that contributed. Jockey Thompson clearly stated that had he had not received pressure the inside horse ridden Kenji Yoshida he felt as though he would have been fine but it was due to that quick shift out that put him in an awkward spot. I believe he would have been fine, but that horse did shift out and put him onto the heels of the horse in front. You can also see in the film that jockey Yoshida after shifting out abruptly one and a half horses pushing Jockey Thompson onto heels and later again about 20 metres after shifting out, another horse dictating Jockey Hamblin's line. Jockey Thompson's line was only ever altered a quarter of a horse throughout the time it took me to come across. Thompson had plenty of room to improve into a spot inside of Jockey Hamblin but as stated in his evidence he was able to read the play and see that due to an abrupt shift inside by Yoshida he had to ease his horse back who as he also stated can pull hard so has probably overreacted to him asking of this.

Jockey Yoshida even made heavy contact with Jockey Hamblin forcing him onto my heels and further out which in turn also caused jockey Thompson to alter his line once again. After I had already crossed and established my position there were further movements by these 3 jockeys so you can clearly see that my shift had a minimal effect in the incident. I was disappointed that this jockey that I believe has a big play in this incident has caused two additional shifts after the

original shift and was still not even spoken to and despite Jockey Thompson stating that he had a major play in the incident that the jockey being Kenji Yoshida was not brought into the room. All evidence was not considered or even attempted to be used or heard which I find very unfair, it was clear that all the blame was put onto myself without even acknowledging all other factors that played a roll.

Furthermore, it took me roughly 300m to slowly come across and take a forward position, when I was making that 3 wide line I looked across multiple times to make sure I was clear in which I thought I was, however I didn't realise that a senior jockey had not read the play and kept pushing up inside of me after I had looked thinking I was clear. The margin I gave when crossing was not as much as I would have liked to have given but when I looked, I thought I was fine and as Jockey Thompson said the horse to his inside had a big play making the room for him marginal, which makes sense when you have a shift from both the inside and outside. It took me 300m to make my way across, whilst it took two metres for the jockey to the inside of Thompson to come across and yet that jockey was not even given the opportunity to plead their case.

- [7] At the Stewards' Hearing evidence was given firstly by Steward Mr Jim Childs, who gave the following account¹:

I was stationed in the stand near the 700-metres, and I believe this incident happened approaching the 700-metres. At that point we had Black Minto, ridden by Adin Thompson, racing to the inside of King's Gold, ridden by Paul Hamblin. To their outside was Bag of Whitt ridden by Maddy Wishart. Approaching 700 metres, it did appear that Bag of Whitt had shifted in at that stage and insufficiently clear of King's Gold, which resulted in King's Gold being taken in of Black Minto, which resulted in Adin Thompson having to take hold of his mount and lost his position at that point. I do believe that Paul Hamblin had to take a steady on his mount at that stage.

- [8] Jockey Paul Hamblin, rider of Kings Gold said that events occurred exactly as Mr Childs had said²:

Maddy was coming across and I was – she just – I was [inside heels], and I knew there wasn't room.

- [9] The Applicant in her evidence before the Stewards' Hearing said this³:

Yeah, look I thought I was going to be clear. I looked over a few times, thought I'd be fine. My horse was just a bit awkward to ride, it was not really travelling the best. But watching the replay back in the room, I could tell I probably should have given them a little bit more room.

- [10] Evidence was also taken from Jockey Thompson, the rider of the horse Black Minto. When initially asked about the incident Jockey Thompson appeared to be somewhat vague in describing what had actually occurred. He said "there was a fair bit going on and everyone was trying to hold a forward spot." Having watched the video of the video footage of the race, however Mr Thompson's memory of events seems to have improved slightly because he then described that there was additional pressure from

¹ Transcript of Stewards' Hearing lines 14-24

² Ibid lines 28-29

³ Ibid lines 58-61

the inside, which made it *"a lot more worse for me with the horse on my inside rolling out a horse underneath me as well"*. He went on to say that he felt he could probably have held his spot at the time. If it had not been for that inside pressure. It is this evidence from Jockey Thompson on which the Applicant now places reliance.

- [11] This Panel has had the opportunity of viewing the footage of this race from several angles. It is camera 4⁴ which we have found to be a particular assistance. We do not consider the evidence given by Jockey Thompson to be consistent with that footage. Rather, it is our view that the racing footage is consistent with the account given by Mr Childs, the Steward who observed the incident. Mr Childs is a very experienced Steward, and Stewards have expertise in these matters. Their observations in these circumstances should not be lightly dismissed. We are satisfied that his account represents an accurate description of what occurred.
- [12] We accept also the analysis of the race provided by Mr Daly, who appears for the Respondent this morning. We are satisfied that the racing habits of Jockey Thompson's horse, whatever they may be, played no part in this incident. We consider also that the actions of Jockey Yoshida played no part in the interference to either jockey Thompson or to Jockey Hamblin. We are satisfied that at the time of the incident Jockey Yoshida was holding his line as he was entitled to do.
- [13] It is the Panel's view that the Applicant has dictated the line of Jockey Hamblin's mount and shifted in when insufficiently clear of jockey Hamblin's mount with that shift then resulting in Jockey Thompson's mount, in turn, being checked and losing its rightful running.
- [14] As we have indicated, we consider that Jockey Yoshida has consistently held his line to the inside of Jockey Thompson and that his action had no bearing on the incident.
- [15] We are also of the view that the level of carelessness here properly falls within the medium range as identified in the Careless Riding Template. We accept the submission made on behalf of the Respondent that the incident here took place over a considerable distance and that opportunity existed for the Applicant to retrieve the situation. Had she straightened and gone forward rather than continuing on at an angle, it is likely that no incident would have occurred.
- [16] The Applicant has made reference to two prior decisions of Stewards which she submits support her contention that the level of carelessness here should properly be assessed as falling within the low range. The first of those matters, involving Jockey Tahlia Fenlon on 1 January 2025 at the Sunshine Coast, attracted a penalty of 10 days suspension of licence. That decision does nothing to support the Applicant, rather it supports the position of the Respondent. The starting point penalty there was the same as it was for the present Applicant, that being one of 13 days suspension of licence by virtue of a grading of mid-range carelessness. In the case of Ms Fenlon, the penalty was adjusted downwards to reflect the fact that she was an apprentice, that she had a good record, and that she pleaded guilty. In the case of the Applicant however, the penalty was adjusted upwards to reflect her riding record as a senior jockey, thereby accounting for the ultimate difference in penalties.
- [17] The other matter to which she referred as a matter of jockey Tilley at the Toowoomba Turf Club meeting on 4 January 2025. In that case the Stewards took into account the racing manners of a horse involved as being a notable contributing factor to the overall interference. Such a mitigating factor does not exist in this case. We are satisfied with the grading as adopted by the Stewards.

⁴ Index of Respondent Documents, document #8

- [18] It has been submitted on behalf of the Respondent, rightly in our view, that the careless riding rule is one which is designed to promote safe competition in races and thereby, of course, to contribute to the maintenance of the integrity of the industry. One of the purposes of penalty under the guidelines is that of deterrence, and in particular that of specific deterrence. The Applicant's record for careless riding is by no means good.
- [19] We consider that the penalty imposed in this case was appropriate in the circumstances. The order of the panel is that pursuant to section 252AH(1)(a) of the Racing integrity Act 2016, the racing decision the subject of the application is confirmed.

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