

## DECISION

*Racing Integrity Act 2016, sections 252AH, 252BM*

<b>Review application number</b>	RAP-135	
<b>Name</b>	Jai Williams	
<b>Panel</b>	Mr K J O'Brien AM (Chairperson) Mr E Wilkinson (Panel Member) Mr K Waller (Panel Member)	
<b>Code</b>	Thoroughbreds	
<b>Rule</b>	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>	
<b>Penalty Notice number</b>	PN-0011188	
<b>Appearances &amp; Representation</b>	Applicant	G Hutchinson (Clutch Legal)
	Respondent	P Zimmerman Queensland Racing Integrity Commission
<b>Hearing Date</b>	26 February 2025	
<b>Decision Date</b>	26 February 2025	
<b>Decision</b>	Pursuant to 252AH(1)(a) the Racing Decision is Confirmed <i>(delivered ex tempore)</i>	

- [1] This is an application by Apprentice Jockey Jai Williams for the review of a decision made by Stewards on the 15 February 2025 to suspend his licence to ride for a period of 19 days. The suspension followed an inquiry conducted by stewards into the Applicants ride on the horse, Princeton Award, in Race 5 at the Gold Coast Turf Club meeting conducted on Saturday 15 February 2025.
- [2] At the conclusion of the Inquiry, the Applicant was charged with an offence of careless riding contrary to Australian Rule of Racing 131(a).
- [3] The charge was in the following terms:
- ...near the 1400m, after being ridden along to improve and shifting in at an acute angle, 9th the applicant) permitted his mount to shift in onto DROP THE PILOT (L. Tilley), causing that runner to be tightened, checked and taken in onto IMEZAANKI (S. Cormack), which was severely tightened and taken in onto AUTUNNO (M. Hellyer), resulting in it being tightened, severely checked and making heavy contact with the running rail, losing its position<sup>1</sup>*
- [4] The Applicant pleaded not guilty to the charge, but Stewards were satisfied as to his guilt and imposed the penalty referred to above.
- [5] The penalty was calculated in accordance with the Careless Riding Template that is Annexure A to the Penalty Guidelines for Thoroughbred Racing issued by the Queensland Racing Integrity Commission. The degree of carelessness was considered to fall within the medium range with level 3 consequences of a horse or horses being severely checked. This attracted a starting penalty of 16 days license suspension to which was added a further four days to reflect the Applicant's unimpressive disciplinary record and then reduced by one day due to his status as an apprentice rider.
- [6] In seeking this review, the Applicant contends that he did not breach the rule of racing. The manners of his horse were responsible for his shifting in, not any act or omission on his part, and the shift occurred despite his attempts to straighten and turn his mount outwards<sup>2</sup>.
- [7] The Stewards' Inquiry took evidence from a number of sources, including Steward Mr Paul Zimmerman who observed the incident from the tower at the grandstand position<sup>3</sup>

*I observed an incident near the 1400 meters. You'd know at that particular point Mr. Hellyer (Autunno)- you were punching hard along the rails in an attempt to hold your position to your outside...To your outside was Mr Cormack (Imezaaki). You looked like you were trying to hold as close as a spot as you could... to your outside was Mr. Tilly ( on Drop The Pilot). I did note that you (improving wider) on the course that appeared to be coming in on an at an angle was apprentice Williams from wider on the course. Ultimately, as the runners have got leading up to near the 1400 metre point, it appeared, from my observation there appeared to be some outward pressure. Ultimately, the outward pressure resulted in in Tilley being taken in onto Cormack who had to check and also Jockey Hellyer had to severely check and made heavy contact with the rail.*

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<sup>1</sup> PN-0111888

<sup>2</sup> Attachment A to Application for Review

<sup>3</sup> Transcript of Stewards' Inquiry lines 9-26

- [8] The other riders involved in the incident also gave evidence. Jockey Hellyer<sup>4</sup> described that he had found it necessary to “severely check” as a result of pressure from his outside. He believed that Mr Cormack, the jockey immediately outside, had been forced onto him.
- [9] Jockey Cormack described<sup>5</sup> how he was aware that Jockey Hellyer was to his inside, and “obviously we started to run out of room. There was pressure from the outside. I was taking hold of my horse, just trying to relieve pressure on Hellyer’s horse”. He said he thought Jockey Tilley was riding to his outside.
- [10] Jockey Tilley also gave evidence<sup>6</sup>. He described as they came to the crossing; he was “sort of looking back to see where Jockey Hellyer was” when he looked back up, there was pressure from his outside and he effectively had nowhere to go. He believed that the Applicant was riding to his outside.
- [11] The Applicant in his evidence described how he had been endeavouring to relieve the pressure on the horses to his inside and another horse, The Claimant, ridden by Apprentice Jace McMurray had applied pressure to him from his outside<sup>7</sup>
- [12] His evidence included the following<sup>8</sup>

*[Steward]: Being the widest possible from the 1,800 metre start, you skipped across his heels. You do look to improve under riding quite quickly. Is there anything you want to say about that?*

*Jai Williams: Oh. Look, you can just see my horse is just not being generous. It’s just as soon as that horse just got that little bit in front of me, he just flicked his head in the air and has just been carted in.*

*[Steward]: When you say, the horse got a bit in front of you, who are you referring to?*

*Jai Williams: Well, when Jace’s horse has just come across and my horse has overreacted, and you can see he’s flicked his head up and I’ve grabbed straight away. It’s got its head turned out while it’s still coming in.*

*Paul Zimmermann: Has Apprentice McMurray crossed into your line?*

*Jai Williams: I don’t think he’s ever crossed into my line. I think my horse is being more – like...*

*[Steward]: Are you trying to put forward that perhaps it’s looking at trying to shy away from it? Is that what you’re looking for?*

*Jai Williams: Yeah. It’s just shying off the horse, just riding off. Jace’s horse didn’t really do anything. It’s just my horse is just being a little bit of a sook.*

*[Steward]: If I posed a question to you – just my observation – looking at the acute angle that you’re coming in and the speed that you were coming in, would it be easy to arrest such a shift on a horse that’s coming in quite on an acute angle and would appear to be coming across quite quickly?*

*Jai Williams: Oh. I don’t think I come across that quick. I think my horse just overreacted. That’s all I come to. It’s overreacted and you can see I’ve grabbed hold and tried to keep the pressure off them.*

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<sup>4</sup> Ibid lines 31-44

<sup>5</sup> Ibid lines 46-55

<sup>6</sup> Ibid lines 65-75

<sup>7</sup> Ibid lines 83-90

<sup>8</sup> Ibid lines 140-166

- [13] As the Applicant is an apprentice rider, he had the assistance at the hearing of Mr Robbie Fradd, who submitted on the Applicant's behalf that he had attempted to steer his horse away from the incident "before the interference takes place..."<sup>9</sup>. Mr Fradd expressed the opinion that the Applicant had "made a good attempt, I think, and the horse just continued to go in"<sup>10</sup>. The situation, he suggests was compounded by Apprentice McMurray coming across.
- [14] The Stewards acknowledge what Mr Fradd had submitted but commented that it is obvious from the film that Apprentice McMurray was holding his five-wide position and that it was evident that the Applicant was placing pressure on his mount leading up to the incident.
- [15] In finding the Applicant guilty of the offence the Stewards' said<sup>11</sup>:
- The Panel does concede that you do – I suppose, when you realise that perhaps you're coming in a bit too quick or on an acute angle, which is probably – which we feel has ultimately resulted in you landed where we are – you do try and make an effort, but we're of the view it's probably a little bit too late, based on the angle at which you're coming in, okay, which has ultimately resulted – and you've tried to arrest it. You also put on the comment that they're not cars. We know they're not cars. A car or a motorbike would react a bit quicker. If you're coming in at such a speed and on the angle and you try and arrest that shift, it takes several strides for a horse to correct it...*
- [16] Mr Hutchinson, who appears for the Applicant in this application submits that there is some apparent conflict between the charge as particularised in the penalty notice -"permitting his mount to shift in"-<sup>12</sup> and the charge as levelled by the Stewards, particularly as the Stewards acknowledge that the Applicant had "made an effort to pull away."<sup>13</sup>
- [17] In this case however, we do not see that as a matter of significance because it is clear that the essence of the allegation is that the manner in which the Applicant crossed, and the interference thereby created, is to the inside runner. That forms the essence of the allegation. The Applicant's acknowledged efforts to "arrest" a situation of his own creation were too late.
- [18] Mr. Hutchinson does, however, focus on the effort that the Applicant made and also on the ride of Apprentice McMurray on The Claimant. He submits that in any event, the manner of the Applicant's riding, the speed and angle of his movement does not constitute careless riding in the circumstances.
- [19] He submits that the Applicant's mount jumps and soon comes under the mount of Apprentice McMurray, and from there the pair make similar inward moves from their wide position to join the remainder of the field close to the rail.
- [20] Further, he submits both the Applicant's and Apprentice McMurray's mounts are coming across at near identical angles, as revealed by race footage, and it is clear he submits, Apprentice McMurray's mount does have the effect of creating inward pressure on the Applicant's mount.
- [21] At the point where the Applicant takes hold of the left rein of his mount in an apparent endeavour to correct and straighten the horse, Mr. Hutchinson submits he is still more than one off Drop The Pilot, ridden by Jockey Tilley. He further submits McMurray's mount was still making inward movement.

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<sup>9</sup> Ibid line 62

<sup>10</sup> Ibid lines 65-66

<sup>11</sup> Ibid lines 7-16

<sup>12</sup> PN-011188

<sup>13</sup> Stewards' Inquiry line 11

- [22] It is necessary that this Panel should form its own view of the circumstances of this race. Before coming to that, we will say something about the so-called racing manners of the Applicant's mount, Princeton Award.
- [23] We have evidence in the form of a statement from the horse's trainer Mr Glen Thornton. He sets out in part of that statement that his instructions to the Applicant were to "be a bit closer", meaning that he wanted him to be closer to the front that was because he said the horse "can be lazy"<sup>14</sup>.
- [24] Mr. Thornton sets out that the horse has an attitude problem and from his viewing of the footage he would say that this problem was evident on the day. His impression of the footage he saw was that the horse ignored the rider's instructions and that was the cause of the interference saying, "That is an example of the attitude problem that this horse has"<sup>15</sup>.
- [25] The Panel makes these observations in relation to that matter. Firstly, this is a horse of some experience given he has had something more than 30 race starts and he has not been the subject of any bans or embargoes. Secondly, the Applicant is familiar with that horse having ridden him on other occasions. Thirdly, from this Panel's close analysis of this race we detect nothing which indicates any difficulty in this race, at least, with his racing manners. Indeed, in the view of this panel, there is nothing to indicate any unruly behaviour by him.
- [26] The Panel does not consider that the racing manners of the horse played a role in this particular incident.
- [27] Our analysis of the race involves viewing the footage from the several angles that are available. In particular, the rear view and head-on view, which provide the clearest images.
- [28] The rear-on footage shows the Applicant from Barrier 12 jumping out towards the rear of the field. Jockey Tilly in Barrier 10, Jockey Cormack in Barrier 8 and Jockey Hellyer in Barrier 2, when approaching the crossing near the 1400 meter mark, those jockeys race together at the back of the field.
- [29] The Applicant then directs his mount inward towards those three runners. As he gets to the outside of Jockey Tilly he has a look to his inside, turns his horse's head out, but appears to encroach heavily on the three runners.
- [30] Jockey Tilly then has to severely check his mount off the hind quarter of Jockey Cormack, who is slightly forward of him. This turns Jockey Cormack's mount's hind quarter in on top of Jockey Hellyer's mount, which runs out of room, having to severely check. At this point, there is only room for two runners to the inside of the Applicant. Jockeys Tilly and Hellyer both lose their rightful running.
- [31] The head-on footage again shows the Applicant shifting in and encroaching heavily on the three runners to his inside. At this point, although the Applicant has his horse's head turned out, the inward momentum of his shift continues, leaving room for only two runners.
- [32] Jockey Tilly is taken in having to severely check off the hindquarter of Jockey Cormack, who is turned in on top of Jockey Hellyer. Jockey Cormack ends up on the fence, causing Jockey Hellyer to his inside to be severely checked and lose his rightful running.

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<sup>14</sup> Statement of Glenn Thornton line 6

<sup>15</sup> Ibid line 7

- [33] The view of this Panel is that the interference caused to Jockeys Tilley, Cormack and Hellyer is a result of the Applicant having directed his mount in when approaching the 400 meter mark where he encroaches heavily on those three runners to his inside.
- [34] Mr. Hutchinson has made his usual thorough submissions on behalf of the Applicant, and we consider that he has said all that could properly be said in that regard.
- [35] However, it is the view of the Panel that at the point where the Applicant had his horse's head turned out the inward momentum, already created, continues to where Jockey Tilley is taken onto Jockey Cormack's hindquarters, having to severely check. The consequence for Jockey Hellyer is something to which we have already referred.
- [36] It is the view of this Panel that the Applicant has allowed his mount to shift into a point where, even in an attempt to turn his horse's head out, it is simply too late. His inward momentum continues, resulting in the three horses to his inside being severely interfered with.
- [37] We add that we do not consider that there was any contribution from the runners to the outside of the Applicant.
- [38] In short, this Panel agrees with the Stewards' summation of the relevant events.
- [39] The object of the careless riding rule is grounded in the requirement for safety. It is designed to provide safe and fair racing for both horses and for jockeys. It is the obligation of jockeys to at all times make every effort to ensure that their horse is under control and does not interfere with the rightful running of other competitors in the race. When shifting ground, there is an obligation on them to ensure that they are sufficiently clear of other runners beforehand to avoid causing subsequent interference.
- [40] Given the angle, speed and momentum of the Applicant's horse, the Applicant's efforts to correct were in the view of this Panel, simply too little too late, to prevent the interference which resulted. In our view, the charge of careless riding is established.
- [41] As far as penalty is concerned, we are of the view that the categorisation adopted by the Stewards is appropriate in this case. We note that they had considered categorising it as falling within the high range of carelessness, an outcome that may not have been inappropriate, but it was reduced to reflect the efforts, late as they were, by the Applicant to redeem the situation. In all the circumstances, we find no basis for interfering with the determination in that regard.
- [42] In accordance with section 252AH(1)(a) of the *Racing Integrity Act 2016*, the order of the Panel is that the racing decision the subject of this Application is confirmed. The suspension is ordered to commence from midnight Saturday 1 March 2025 and operate until midnight 20 March 2025.