

TASMANIAN RACING APPEAL BOARD

Appeal No 06 of 2025-26

Panel:	Mr Patrick O'Halloran (Chair)	Appellant:	Mr Jackson Radley
Adviser:	Mr Mike Stiles	Rules:	AR 131(a) Careless riding
Appearances:	Mr Dominic Tyson on behalf of Stewards		Mr Dean Cooper on behalf of the appellant
Heard at:	Conference Room Prospect Government Offices 171 Westbury Road Prospect TAS	Penalty:	2 Tasmanian race date suspension
Date:	29 September 2025	Result:	Varied to a severe reprimand

REASONS FOR DECISION

1. These reasons are to be read in conjunction with the Short Form Reasons for Decision dated 6 October 2025.
2. The appellant was the jockey riding WARRIORA in Race 3 – 1.40 – Kevin Sharkie Maiden – over 1400 metres - held on 24 August 2025 at the Tasmanian Racing Club.
3. Following an inquiry into their ride on that date Stewards found that the appellant had breached AR 131(a) that of Careless riding. Such rule provides:

A rider must not, in the opinion of the Stewards,

(a) Engage in careless....riding

4. The particulars of the charge as articulated to the appellant within the inquiry were that he *'allowed (his) mount to shift in near the 600-metre mark. As a result of that shift Mr Pires (riding) PLAYED STRONG was tightened and had to restrain and check out of his rightful running and lost his position'*.
5. Within the substantive appeal there was some criticism raised by the appellant regarding those particulars as, on their submission, no such purported riding could be seen to be observed at the 600-metre mark.
6. Separate to the issue that no such asserted error was contained within any ground of appeal, such criticism is without foundation. It is clear that in formulating the particulars of the charge and identifying the portion of the race the focus of their inquiry, Stewards were careful to identify the relevant portion of the race and referred to it as 'near' or 'around' the 600-metre mark of the track. Further in review of the totality of the transcript of the inquiry, including the particulars given by stewards and the responses provided by all in attendance including the appellant, the Board observes that at no stage did the appellant appear to be under any

misapprehension as to what portion of the race was being referred to by the Stewards nor the specifics of the charge the focus of their concern.

7. Within the inquiry having reserved his plea to the charge stated the appellant was found guilty and their licence to ride in races was suspended for two Tasmanian race dates – with such penalty being deferred to commence on midnight of the 31st of August 2025¹.
8. Assuming some prominence in the appeal, regarding the consideration of the appellant's past breaches of the same rule, the comments on passing penalty made by the presiding Chairman relevantly included:

The Stewards have considered penalty in the earlier matter we were talking about. So, your last suspension was in June, I think you've had three this year. So we've taken that into account. We can't give you any relief for your, for your plea since you haven't admitted culpability. So, in that case we believe a two meeting Suspension is appropriate and obviously you've got the nine day deferment if you wish to use that. You can advise me tomorrow at some point and also you do have your rights of appeal against the findings as well.

9. The appellant filed a Notice of appeal against conviction and penalty. The grounds of appeal regarding conviction as filed included:
 - Conviction incorrect and penalty incorrect
 - Apprentice did not have representation during inquiry. Applicant did not believe there was substance to the incident in question
 - Absence of head on film video evidence which shows the incident clearly
 - Applicant reserved his plea in the inquiry
10. As conceded by the appellant before the Board several of those grounds were not in fact grounds and were more properly grouped together so as to assert that the Stewards had insufficient evidence to establish, to the requested standard, that the appellant had engaged in careless riding.
11. As was appropriately submitted by the appellant the standard of proof in matters such as these was outlined in the Victorian Racing Appeals and Disciplinary Board case of Oliver (30 October 2017), at page 2:

The Standard of proof is that laid down in the well known case of Briginshaw v Briginshaw. We must be comfortably satisfied that the charge has been proved, taking into account inter alia, the gravity of the charge and the consequences which flow from the conviction

12. The appellant also maintained the separate ground of appeal that asserted a specific error that the Stewards had erred in failing to allow or provide the appellant with representation at the inquiry.
13. A stay or suspension of penalty was also sought by the appellant.
14. On Friday 5 September 2025 a directions hearing was held in which the substantive appeal was set down to be heard on 29 September 2025 and the application for a stay of penalty was maintained.

Stay

15. Following consideration of the written submissions provided by the parties prior to the directions hearing and oral submissions made within the directions hearing, a stay of penalty

¹ Refer Stewards Report - Version 1, dated 26 August 2025

was granted. At that listing the parties were advised that the reasons for granting such a stay would be provided within the reasons for decision regarding the substantive appeal.

16. These are those reasons.
17. With reference to s 85 of the *Racing Regulation and Integrity Act 2024* the stay was granted in consideration of:
 - The manner in which the breach was said to have occurred as described within the relevant Stewards Report²,
 - That Stewards did not oppose the stay being granted with their submission(s) including that: *We have allowed Mr Radley to ride on a deferment this weekend so I do not oppose a stay as I do not believe he poses a serious risk, however he did incur a further suspension yesterday in race 4 at Hobart.*
 - That any interim suspension would be for a now crystallised finite period noting that the appeal had been set for hearing on 29 September 2025 at which stage a fuller consideration of the gravity of the alleged breach could be assessed and where any extension of the stay could be re-visited at the conclusion of the appeal on that day.

Appeal against conviction

The specific error

18. It was advanced on behalf of the appellant that ordinarily within Stewards inquiries, due to his status as an apprentice jockey, the appellant would have been assisted in the inquiry by a senior jockey or representative in advocating on his behalf and providing information to Stewards. It was further submitted that his representative of choice Mr Stephen Maskiell had unexpectedly become unavailable to assist him on the stated date and as a result the appellant had appeared unrepresented.
19. On the appellant's submission being deprived of someone to speak on his behalf had resulted in the appellant being unable to fully elaborate and expand on the points that he in fact made to the Stewards. Further the offer, which he accepted was made, to have some time to consider what he wished to say in regard to penalty occurred at such a stage in the proceedings that deprived him of the opportunity to more fully speak to his position as to whether any such breach of rule had in fact occurred.
20. For Stewards it was advanced by Mr Tyson, who had been the chairperson of the inquiry, that prior to the commencement of the recording of the inquiry he had in fact offered the appellant such an opportunity which the appellant had declined. For completeness when the inquiry entered the penalty discussion phase Mr Tyson had, as was captured and recorded within the transcript of inquiry, provided the appellant an opportunity for some time to consider his position - which was also declined.
21. In response to Mr Tyson's assertion that an opportunity had initially been made the appellant's representative submitted, on instruction, that the appellant "couldn't recall" whether such an opportunity had in fact been offered.
22. In any event the Board observes that at the time of the instant inquiry the appellant was an experienced apprentice and within the nine months prior to the instant inquiry he had had multiple other appearances before the Stewards in regard to allegations of the same or similar rule breach.
23. Further, in the careful review of the content of the transcript, at no stage did the appellant appear unable to understand or answer any query put to him by Stewards. Nor was it argued

² *Ibid*

before this Board that the appellant now sought to submit anything new or that differed substantially from what he had advanced within the original inquiry.

24. There is no cogent material before the Board to make a finding that prior to the commencement of the inquiry the appellant positively asserted that he wished to be represented in the inquiry or that he did not want the inquiry to proceed whilst he was unrepresented.
25. To the contrary the Board is left with the distinct impression that Stewards did in fact provide the appropriate opportunities to the appellant which were declined (in the way it was similarly offered and declined in the latter part of the inquiry once penalty was being considered).
26. If such an impression is misplaced this Board determines that whilst the appellant may have likely found some comfort and confidence in articulating his position to the Stewards by the presence of Mr Maskiell or someone similarly experienced there is no basis on which to find that the appellant felt overborne by the proceedings or was prejudiced in any extent that prevented him from providing material information to the Stewards regarding his perspective of the ride.

The lack of evidence ground

27. In support of the ‘conviction incorrect’ aspect of the appeal the appellant relied upon:
 - A document titled ‘Expert Opinion – Stephen Maskiell’, and
 - A document titled ‘Evidence from Patrol Films’³
28. As a succinct summary of the submissions made by the appellant as to each aspect of the race in support of this ground of appeal that document Evidence from Patrol Films is annexed to these reasons for decision. The Board understood that the appellant relied upon the Maskiell document to support the submissions contained therein.
29. In response on behalf of the stewards it was impressed to this Board that a proper assessment of the proximity of each horse at each relevant period should not focus solely on the positioning breadth wise (ie side by side) but also requires a review of their positioning length wise. Such a submission is accepted by this Board.
30. In response to any appellant assertion that the totality of race footage available to the Stewards was lacking or inconclusive it was submitted that what remained available were the observations of stipendiary Steward Mr Lincoln. As provided within the steward’s inquiry he provided (without challenge):

‘...I observed an incident at approximately the 600 metre mark. At that stage Mr Baker was racing one away from the fence, Mr Pires was two away from the fence and on his outside was Mr Radley. It did appear from my position as they went into the turn off the back that Mr Radley has just allowed his mount to shift in and Mr Pires has been tightened for room and had to check out of the run and lost his momentum’.
31. The Board had available to it the film of the race – which, as outlined above, both parties referred to within their submission to the Board. The Board also had the benefit of the assistance provide by adviser Mr Mike Stiles in regard to that footage and the appeal more generally.
32. The Board has considered the submissions of each of the parties and the entirety of the material sought to be relied upon.

³ Within the appeal the timestamps for each numbered paragraph of this document were amended:
(1) 36/37, (2) 41.09, (3) 42.07, (4) 43.19, (5) 44.00. (6) 46/47, B1 38:22, B2 39.17, B3 40/41, B4 41/44, B5 45, B6 46:19

33. Upon such consideration the Board is comfortably satisfied that the riding did breach the stated rule. The Board does not identify any error in the description of the riding as particularised by the Stewards. That is to say where there are differences in the manner each relevant portion of the riding is described by the appellant and the Stewards the Board is satisfied to the requisite standard that the Stewards description is accurate.
34. The appeal against conviction is dismissed.

Appeal against penalty

35. As extracted in full above the Stewards clearly outlined factors relevant to their determination of penalty. These reasons included ‘.....*So, your last suspension was in June, I think you’ve had three this year. So we’ve taken that into account.*’
36. Such comments make clear that the Stewards had access and reviewed the appellant’s record of past penalties and had properly considered that as the appellant had had a number of breaches of the same or similar rule in recent times where suspension(s) had been imposed (and where it could sensibly be inferred such penalties were not having the intended deterrent or rehabilitative effect) the instant matter was not one where a lesser penalty type (i.e. reprimand, severe reprimand, one Tasmanian race suspension) was appropriate. As was provided by Mr Tyson to the Board ‘past suspensions had been one race, so the natural extension was to increase (the penalty) to a 2 race (suspension)’.
37. As became apparent within this appeal, regrettably the Personnel Incident Search (i.e. record of past penalties) the Stewards relied upon (in the same format that was provided within the Appeal Package to the Board) was not accurate.
38. That record indicated that the appellant had received a suspension for a breach of AR131(a) in regard to a ride on 11 October 2024 where in fact that penalty had been quashed on appeal (refer Appeal No 07 of 2024-25).
39. That record further indicated that the appellant had received a suspension for a breach of AR131(d) in regard to a ride on 16 February 2025 where in fact that penalty had been quashed on appeal (refer Appeal No 20 of 2024-25).
40. As can be instantly appreciated such errors in the appellant’s record had the resultant effect of indicating a pattern or style of riding undertaken and/or maintained by the appellant which impacted the consideration of condign penalty. As such it is appropriate for the Board to carefully review and revisit the penalty imposed.
41. Before doing so the Board observes that the accurate input of information and the updating of such records are of critical importance to ensure that the work of the Stewards and this Board is conducted in accordance with the stated principles contained within the *Racing Regulation and Integrity Act 2024*. Such records would also benefit by having further detailed as to the length of suspensions imposed (as opposed to simply an indication of penalty type).
42. In the Board’s consideration of penalty taking the careless riding the subject of this appeal at its highest and when (re)assessed in the context of the appellant’s actual riding record the appropriate penalty falls more properly in the type of a severe reprimand. Whilst the appellant received a variety of penalties within the 18 month period prior to the subject matter of this appeal such a record need be considered in the context of the frequency of his riding and the overall impact suspensions would have and had had upon the appellant (as per the submissions made by the appellant to this Board).
43. The orders of the Board are that the appeal against penalty is upheld and the penalty varied to a severe reprimand.

44. In accordance with section 99(4) and 99(5)(d) of the Act, 25% of the appellant's prescribed deposit is to be forfeited to the Secretary of the Department. The appellant is also ordered to pay 25% of the cost incurred in preparation of the transcript in accordance with section 99(8) and 99(9)(c) of the Act.

DATED: 27 JANUARY 2026

**TASMANIAN RACING APPEALS BOARD
APPEAL NO. 06 OF 2025/26
APPELLANT – JACKSON RADLEY
EVIDENCE FROM PATROL FILMS**

A. 1200 Metre Back on Film

1. 0.45/46
 - a) David Pires riding Played Strong (Pires) leaning onto Troy Baker riding WannabeZiggy (Baker).
 - b) A clear gap between Pires and the Appellant riding Warriora.
 - c) Appellant unable to move to his right because of horse on his right.
2. 0.51
 - a) A clear gap between Pires and the Appellant.
 - b) Pires has moved closer to Baker such that the horses are touching.
3. 0.52
 - a) Essentially the same as shown in 0.51 but Pires is higher in the irons.
4. 0.53
 - a) Increased gap between Pires and the Appellant.
5. 0.54
 - a) The horse on the inside ridden by apprentice Christopher Pang is too close to the rail. It should be at least one full arm's length from the rail.
 - b) Pires has moved in toward Baker.
 - c) Pires is higher in the irons.
 - d) The Appellant has not moved and there is an increased gap between he and Pires.
6. 0.56/57
 - a) Pires continuing to check while the Appellant has not moved.

B. **600 Metre Side/Head On Film**

1. 0.48
 - a) The Appellant's horse has its head turned out away from Pires.
 - b) The gap between the horses of Pires and Appellant.
2. 0.49
 - a) The Appellant has not moved.
 - b) Pires is closer to Baker.
3. 0.50/51
 - a) The Appellant has not moved.
 - b) Baker has shifted out evidenced by the increased gap between his horse and the horse on the fence.
4. 0.52/53
 - a) Baker has shifted out further.
 - b) The Appellant's horse has its head turned out away from Pires and the Appellant is looking inside to his left.
5. 0.54
 - a) Pires has moved in toward Baker.
 - b) Pires is higher in the irons.
 - c) The Appellant has not moved and there is an increased gap between he and Pires.
6. 0.56
 - a) The horses of Pires and Baker are touching.
 - b) The Appellant is further away from Pires.