

TASMANIAN RACING APPEAL BOARD

Appeal No 13 of 2021-22

Panel:	Mr Patrick O'Halloran	Appellant:	Miss Chelsea Baker
Advisor:	Mr Chris Taylor		
Appearances:	Mr Kevin Ring (on behalf of the Appellant) Mr Bruce Free (on behalf of the Stewards)	Rules:	AR 131(a) Careless riding
Heard at:	Prospect Government Offices 171 Westbury Road PROSPECT TAS	Penalty:	Suspension for 1 Tasmanian race date
Date:	13 May 2022	Result:	Appeal against conviction dismissed. Penalty varied to a reprimand

REASONS FOR DECISION

1. The appellant was the jockey riding *Diamond Bay* in Race 5 [the Peter Rabbit 2 on the Big Screen Good Friday BM62 HCP 1200 metres] held on 30 March 2022 at the Tasmanian Turf Club – Launceston Meeting.
2. Following an inquiry into her ride on that date, Stewards found that the appellant had breached AR131(a), which provides:

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

(a) Engage in careless.....riding"

3. The particulars of the charge were stated as:

- (i) *".....that you in Race 5 of the Tasmanian Turf Club meeting on the 30th March 2022, when riding Diamond Bay, allowed your mount, when riding your mount along, allowed your mount to shift in resulting in P Lui, Lady Joker, having to check his mount"*
- (ii) *'Just basically on the home turn you've allowed your mount to shift in when insufficiently clear'*
- (iii) *'And you did use your whip which has probably contributed to the shift'*

4. The Appellant reserved her plea. Following the inquiry, she was found guilty, and her licence was suspended for one Tasmanian race date.

The Appellant's Notice of Appeal

5. On 4 April 2022 the Appellant filed an appeal against conviction and penalty. Within that notice the Applicant provided:
 - a. (1) *Upon watching the replay from a head on angle, both rider and master believe the horse has not laid in to a significant enough amount to have caused a severe interference (reserved plea).*
 - b. (2) *Penalty manifestly excessive based on apprentice riding record and incident*
6. The Appellants submissions to the Board summarised included:
 - a. In regard to conviction – that the Appellant could not have known that LUI was there until LUI called out and that the actions of LUI had contributed to the contact that occurred (accepting that LUI was entitled to get up on the rail *if* the ride was there)
 - b. In regard to penalty – that the Appellant was a 4 kilo apprentice with 26 rides at the time of this ride and as such the appropriate penalty generally would be a reprimand or severe reprimand - and - noting that the Appellant had not previously received any reprimands
7. The Stewards submissions included:
 - a. As to conviction - that the original findings by Stewards were correct and based on the movements of the relevant mounts captured within the race film and noting that the Appellant's actions were likely a result of her inexperience
 - b. Penalty – that it was a 'mid to high' level of interference and that the Appellant could not call upon the reduction of penalty from entering a plea of guilty

Race Film

8. The Board had available to it the film of the race captured from multiple camera angles.
9. The Board had the benefit of the advice from the adviser, Mr Chris Taylor, and carefully considered the race film. Footage from all camera angles were reviewed with more assistance obtained from angles '600m' and 'head-on-front'.
10. Having considered the submissions of the parties, the race film and the advice of the adviser, the Board was satisfied that there was careless riding in this case in the manner originally articulated within the Steward's Report

11. That is that the film does show there was '*interference suffered by Lady Joker on the home turn.....that approaching the 300 meters, (the Appellant) permitted her mount to shift in when not sufficiently clear of Lady Joker, which was checked to avoid Diamond Bay's heels*'.

Decision on Conviction Appeal

12. The Board is therefore satisfied that the Appellant's ride was careless. However, the Board characterises that interference¹ as a low to medium level of interference.
13. The appeal against the conviction is dismissed.

Appeal Against Penalty

14. In further characterising the riding for the purposes of assessing penalty it is the view of the Board that it was not, as Stewards submitted to the Board, a medium to high level interference. In forming this view, it is accepted that there were, prior to the specified act of riding, contributing factors.
15. In an assessment of the Appellant as a rider the Board accepts the submissions of Mr Ring (for the Appellant) which related to the Appellant's (i) good record, (ii) her riding experience generally and her degree of inexperience at that time, (iii) her apprenticeship and classification, and (iv) the appropriate actions (which reflected that she was aware of the positive obligation on her to check her surroundings) the Appellant took immediately following the particularised act of careless riding.
16. It is also noted - to the extent that it can be taken into account to highlight the out of character nature of this matter - her subsequent riding from that date.
17. In consideration of the above matters, it was the Board's view that the suspension of licence for one Tasmanian race date was excessive in the circumstances.
18. The decision to suspend the Appellant for one Tasmania race date is varied to a reprimand.
19. The decisions of the Stewards having been varied, the Board orders pursuant to ss 34(1A), (2)(d), (4A) and (4B)(c) of the *Racing Regulations Act 2004* that 25 per cent of the Appellant's prescribed deposit is forfeited to the Secretary of the Department and that the Appellant pay 25 per cent of the costs incurred in the preparation of the transcript of the Steward's inquiry.

DATED: 16 September 2022

¹ See reference to this scale at para 19 of Appeal No. 16 of 2020-21 (Stan TSAIKOS)