

DECISION

Racing Integrity Act 2016, sections 252AH, 252BM

Review application number RAP-148

Name Justin Stanley

Panel

Ms D Condon (Chairperson)

Ms L Hicks (Panel Member)

Ms J Maiden (Panel Member)

Code Thoroughbreds

Rule Australian Rules of Racing 131(a)

A rider must not, in the opinion of the Stewards, engage in careless, reckless, improper, incompetent or foul riding

Penalty Notice number PN-011515

Appearances & Representation

Applicant

Self-represented

Respondent

Queensland Racing Integrity Commission

Hearing Date 16 May 2025

Decision Date 19 May 2025

Decision Pursuant to 252AH(1)(b) the Racing Decision is Varied
(delivered ex tempore)

Reasons for Decision

- [1] On 7 May 2025 the Applicant Jockey Justin Stanley was found guilty by Stewards of an offence of careless riding contrary to Australian Rule of Racing 131(a) following the running of Race 7 at Eagle Farm.
- [2] The Applicant's license was suspended for a period of seven days with the penalty¹ commencing at midnight on 17 May 2025 and ending at midnight on 23 May 2025.
- [3] Pursuant to section 252AB of the *Racing Integrity Act 2016 (The Act)* the Applicant now seeks a review of the penalty imposed and the finding of guilt.
- [4] The Applicant had been the rider of the horse CHAKRA BOY in Race 7. The charge alleged as follows:²

"Jockey Stanley the rider of CHAKRA BOY was charged under AR 131(a) for careless riding in that when leaving the 100m failed to make sufficient effort to stop and straighten his mount and allowed CHAKRA BOY to shift out into the running line of ACTION KING, which was inconvenienced and had to shift in to avoid heels".

- [5] The Applicant pleaded not guilty to the charge and is seeking this review by way of application filed on 8 May 2025.
- [6] The Applicant asserts that he did not breach the rule of racing and that in any event, the penalty imposed was excessive. By way of his application, he relevantly states³:

"The grounds I appeal on are because I believe I have done everything in my power to stop my mount from shifting prior to the when the Action King was inconvenienced. I'd like to stress that stewards made the notation that Action King was inconvenienced not checked.

My mount was hanging out once I asked the horse for its full effort, the horse was surging to the winning post yet moving on an outward trajectory and I immediately attempted to straighten my mount and despite my efforts the horse continued hanging out and as stated in the inquiry, I was unaware Kyle Wilson-Taylor was to my outside. This can be seen on the footage that I stopped riding my mount vigorously and the point Action King comes up towards my mount.

....

In assessing penalty, as per the Careless riding template (See Below) the QRIC Stewards deemed the interference in the medium range & adjudicated that the level of carelessness was in the low-range, and I dispute that finding.

I immediately stopped and attempted to straight my mount and even once Action King came to my inside, my mount continued on an outward trajectory.

I believe the correct penalty for this incident is a reprimand based on the Careless Riding template and the categories of consequences and carelessness."

¹ PN-011515

² Ibid

³ Application for Review Attachment lodged 8 May 2025

[7] In submissions to the Panel the Applicant further relevantly provides:⁴

"1. I feel I've made sufficient effort to keep my mount straight and despite that effort the horse has continued to shift out.

2. The difficult racing manners of my horse.

3. The degree of interference which I feel was extremely minimal.

....

6. My horse was surging to the winning post yet moving on an outward trajectory and I put the whip away and attempted to straighten my mount and despite my efforts the horse continued hanging out and as stated in the inquiry, I was unaware Kyle Wilson-Taylor was to my outside as I was 3 quarters the way across the track and had no expectation that another horse would possibly be out there as I continue to look to my inside for dangers to achieving the best finishing position for my mount."

[8] The Stewards' determination of penalty was made through the application of the Careless Riding Template, which appears as Annexure A in the Queensland Racing Integrity Commission's Thoroughbred Racing Penalty Guidelines.

[9] The degree of carelessness was assessed as falling within the low range, with category two consequences of 'checked and/or lost rightful running'. This attracted a 10-day suspension of licence, which was reduced by one day to reflect the low grade of carelessness and a further two days for the Applicant's good disciplinary record, thereby arriving at the seven day suspension.

[10] The Stewards' Inquiry involved taking evidence from Stewards and the jockeys involved in the incident, as well as viewing the race footage. We will refer to some aspects of that material before us.

[11] Steward Paul Zimmerman described his observation of the incident from a head-on view in the main tower as follows:⁵

"Action King, which was settled back in the field for Mr Kyle Wilson-Taylor, your mount settled well back and was making a very wide run up the home straight. I felt that approaching the 100-metre point, Mr Stanley your horse probably shifted – I would estimate – from a say, three wide rounding the home turn, to maybe 10 wide, near the point of the incident. I did note you were riding your horse along with the whip.

You then put the whip away but then you appear to still ride hands and heels on your mount. Whilst it certainly did appear that you kept shifting up the track, ultimately, Mr Wilson-Taylor, on his mount, who was improving to your arrears, and appeared to be holding his racing line, ultimately appeared that you crossed into his line and he did have to check his mount, to avoid your heels, step inside, and continue to race for the finish."

⁴ Applicant submissions filed 14 May 2025

⁵ Transcript of Stewards' Inquiry, lines 143-157

- [12] Jockey Wilson-Taylor riding ACTION KING agreed with this assessment of the race before the Stewards, after viewing the race footage modifying his earlier evidence to the Stewards⁶ to agree he was inconvenienced, rather than checked and said:⁷

"I probably wouldn't have to say I had to check. At the time I thought I sort of did, but watching the footage, I didn't really. I was getting to Justin Stanley as he rolled in – he certainly rolled into my line – but I just had to alter course quickly, more than anything."

- [13] Jockey Wilson-Taylor further confirmed to the Stewards he had to take evasive action in the form of changing course when the Applicant's mount was a length and a half (maybe even a length and three quarters) off and that ACTION KING had been holding a true line and staying straight.⁸
- [14] Before the Stewards, the Applicant explained his actions in the relevant part of the race consistent with his submissions outlined above, highlighting that he continued to shift out as he was well clear with no riders around him and that it was safe to do so; after which it got worse at which point he put the whip away and tried to keep a straight line whilst still riding forward. He emphasised that despite his best efforts the horse continued to shift out, and conceding Jockey Wilson-Taylor was inconvenienced marginally.⁹
- [15] The Applicant said that he had to stop riding because it got to the point where he was going to end up on the outside fence, although still trying to ride forward to keep momentum going at the same time not doing much sitting out the last bit.¹⁰
- [16] He further stated:

*"I don't believe Jockey Wilson-Taylor had to check. I've crossed his line and I'm far enough in front where he's just had to alter course. Like you said, inconvenienced for a stride and was able to continue riding."*¹¹ and later that those actions he said, *"just forced him to alter course."*¹²

- [17] The Stewards ultimately made a determination in line with Steward Zimmerman's observations.¹³ Having found the Applicant guilty of the charge of careless riding, the Stewards imposed the suspension referred to above applying the Careless Riding Template.
- [18] This Panel of course must form its own view of the circumstances of this race. We have had the opportunity to consider the evidence placed before the Stewards, and to view the race footage from a number of angles on many occasions including before and during the hearing today. We have had regard to the arguments the Applicant has made to the Panel

⁶ Transcript, lines 30-31 concerning a protest where he stated the Applicant started to "...to drift out into my line, where I've had to check my mount and completely halt all momentum..."

⁷ Transcript, lines 158-162

⁸ Ibid, lines 165-177

⁹ Ibid, lines 179-198

¹⁰ Ibid, lines 206-213

¹¹ Ibid, lines 219-222

¹² Ibid, line 241

¹³ Ibid, lines 390-402

today which are very much consistent with those he's submitted before the Panel today and we have taken all those matters into consideration, in addition to the arguments advanced on behalf of the Respondent by Mr Zimmerman.

- [19] The object of the careless riding rule is grounded in the requirement for safety.¹⁴ 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 have their horses under control and that they do 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.
- [20] It is apparent to the Panel that leading up to the incident CHAKRA BOY ridden by the Applicant was inclined to hang out which was evident in both the horse and the Applicant's actions. At a point leading up to 100 metres, CHAKRA BOY is shifting on an outward path and is under riding by the Applicant with the use of the whip and hands pushing in a forward motion. It is the Panel's view that ACTION KING ridden by Jockey Wilson-Taylor commences to improve from a position behind CHAKRA BOY and around the 100 metres the Applicant, in an attempt to correct his mount's shift, appears to cease using his whip and grabs hold of the reins to attempt to steer CHAKRA BOY in. At that point ACTION KING, in the Panel's view, becomes awkwardly placed at the heels of CHAKRA BOY and it's at this point Jockey Wilson-Taylor elects to shift his mount inside that runner to the conclusion of the race.
- [21] We acknowledge that there was some attempt by the Applicant to heed off his mount's laying out by taking these actions described, however we agree with the Steward's observation that these actions were insufficient in the sense of too late to avoid the resulting inconvenience to Jockey Wilson-Taylor.
- [22] For these reasons that the Panel is reasonably satisfied to the relevant standard that the Applicant's conduct did amount to careless riding, and we are of the view that the level of carelessness involved was properly assessed at falling within the low range.
- [23] We are of the view however that Jockey Wilson-Taylor riding ACTION KING was hampered as the consequence that flowed from the Applicant's conduct, in that he was hindered or impeded. We acknowledge the experience of the Stewards involved in this matter, and we have no criticism to make of them in this regard. But as the finding of this Panel, we can't be satisfied to the requisite standard that Jockey Wilson-Taylor had to check or lost his rightful running.
- [24] There is a fine line involved in these matters, and we acknowledge, as Tribunals such as this have acknowledged in other places, that there is indeed a fine line to be drawn, and that reasonably minded, and properly informed viewers may take differing views of the categorization of riding and the consequences which flow. This may be one of those cases that falls within that category with respect to the assessment of the consequences of the Applicant's action.

¹⁴ *Appo v Stanley* [2010] QSC 383 at [47]

- [25] Having regard to the Careless Riding Template, we note the penalty nominated therein for low grade careless riding with category one consequences of hampering is a reprimand. In light of the Applicant's good record in this regard and extensive riding history, we consider this is the appropriate penalty in this case.
- [26] In accordance with section 252AH(1)(b) of the *Racing Integrity Act 2016*, the order of the Panel is that the racing decision the subject of this application is varied, and a penalty of a reprimand is imposed.

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