

DECISION

Racing Integrity Act 2016, sections 252AH, 252BM

Review application number	RAP-132	
Name	Leslie Tilley	
Panel	Mr K J O'Brien AM (Chairperson) Mr J McCoy OAM (Panel Member) Mr E Wilkinson (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-011167	
Appearances & Representation	Applicant	Self-represented
	Respondent	K Daly - Queensland Racing Integrity Commission
Hearing Date	14 February 2025	
Decision Date	14 February 2025	
Decision	Pursuant to 252AH(1)(a) the Racing Decision is Confirmed <i>(delivered ex tempore)</i>	

Reasons for Decision

- [1] On 8 February 2025 the present Applicant, licenced Jockey Mr Leslie Tilley, was the rider of Bavarian Lady in Race two at the Lockyer Valley Race Club meeting at Gatton. Following a Stewards' Inquiry commenced at the conclusion of that race the Applicant was charged with an offence of careless riding contrary to Australian Rule of Racing 131(a).
- [2] The charge alleged that, at the entrance to the home straight, the Applicant had permitted his mount to shift out when insufficiently clear of another runner, Kaesar, which then had to be checked.
- The Applicant pleaded not guilty to the charge, but after hearing submissions, the Stewards found him guilty of the offence and suspended his licence to ride for a period of 11 days from midnight 16 February 2025 until midnight on 27 February 2025.
- [3] The penalty imposed on the Applicant was determined in accordance with the Careless Riding Template, which appears as Annexure A to the Queensland Racing Integrity Commission Thoroughbred Racing Penalty Guidelines.
- [4] The level of carelessness involved was assessed as falling within the medium range with level two consequences of another horse being checked. In accordance with the Template, this established a penalty starting point of a 13-day license suspension. This was reduced by a period of two days to reflect the Applicant's disciplinary history. The Applicant now seeks a review of the Stewards' decision. His contention being he is not guilty of the offence.
- [5] The Applicant provides the following details of his argument¹:

I don't believe I should have been found guilty and issued a penalty for this charge as there were several factors that contributed to Dale Smith being checked out of his running.

The first part of this incident to consider is that the leader of the race rolled out a further horse and a half after I had established a run to the outside of her heels, and this resulted in me being taken wider which created tight running for Dale Smith.

Secondly, Adin Thompson on the widest horse was putting pressure on Nathan Fazackerley who was on Adin's inside and his actions dictated Nathan inwards of approximately 2 horses which then completely closed the gap for Dale Smith. I believe I have safely manoeuvred my course and not caused Dale Smith any impediment.

I don't believe all these factors were considered in the stewards reaching their decision to suspend me and my record is exemplary with no suspensions in 13 months and over 700 rides in that period.

¹ Applicant's index of documents- No.3 – Applicant statement

[6] It is to be noted that on the hearing of this application, the Applicant has indicated that he no longer places any reliance on any contributing conduct by the riders to his outside.

[7] At the inquiry, evidence from Steward Mr Kym Daly, who observed events from a position at the top of the straight was as follows²:

[Riding incident] at the top of the straight that I observed from the [chairman] [unclear] Towers, is a head on view of an incident leading up to it. Bavarian Lady, Les Tilley, was racing in the position behind the leader. Dale Smith was racing to the outside, slightly forward of him leading up to the incident on Kasear. It just appeared at the entrance of the home straight Les Tilley on Bavarian Lady shifted out away from the heels behind the leader. As a result of that shift out, I believe, Dale Smith, who at that point would've been racing just at the heels of Les Tilley, has been cramped for room and had to check his mount. That's my observation

[8] Jockey Smith (Kaesar) gave evidence which effectively confirmed Steward Daly's observations³. He said that the Applicant "has come out" causing him to "change (his) course" He had to "move (his horse's) head".

[9] After viewing the race footage, Jockey Smith agreed that the horse to his outside, By By Bean, ridden by Jockey Nathan Fazakerley, had maintained a relatively straight line and did not shift in at the point of the incident⁴.

[10] When questioned further as to why his mount's head was turned out at the time of the incident, Jockey Smith said it was a result of having to "come out" with the Applicant and agreed that prior to the incident, his horse had been racing true⁵.

[11] In his evidence before the Stewards' inquiry, and prior to reviewing the race footage, the Applicant said that approaching the 300 metre mark, he elected to go to the outside of Apprentice Youngberry (riding Born To Be Alive) who was racing to his front, with Born To Be Alive then stepping out from the rail on two occasions which resulted in the Applicant having to "go with her" as he as he had committed to putting his mount to the outside of Born To be Alive's hindquarters⁶.

[12] On reviewing the race footage, the Applicant gave evidence that he and Jockey Smith were "going for a run together" and that he believed there was enough room for both of them. When it was put to the Applicant that Jockey Smith had already established a run in the one off position when the Applicant was racing on the rail, the Applicant gave evidence that he has come off the heels of Apprentice Youngberry's mount and that he believed that there was enough room for both his and Jockey Smith's mounts when he "made the first move."

² Transcript of Stewards' Hearing lines 8-17

³ Ibid lines 20-37 and 136-138

⁴ Ibid lines 70-73

⁵ Ibid lines 129-132 and 136-138

⁶ Ibid lines 57-60

- [13] The Applicant gave evidence that Apprentice Youngberry shifted off the rail approximately half a horse to a horse and Jockey Nathan Fazackerley has shifted in a horse. The Applicant maintained in his evidence that at that point of the incident, he and Jockey Smith had both established a run but gave evidence that Jockey Smith had already established a run prior to the Applicant coming up the heels of Apprentice Youngberry's mount and that Ms Youngberry's mount rolled off the rail two horses. The Applicant gave further evidence that he believes that there was movement from both the inside and outside, and that he "had to come out" with Apprentice Youngberry's mount⁷.
- [14] The Applicant no longer seeks to rely upon any conduct on the horses or riders to his outside as being the cause of or having contributed in any way to the incident. He relies, however, on the conduct which he attributes to Apprentice Youngberry's mount Born To Be Alive to his inside.
- [15] The first observation this panel would make is that the Applicant's account is not consistent with Steward Daly's observations. Nor is it consistent with the account given by Jockey Smith to which we have referred
- [16] We must form our own view of the incident, and we have had the opportunity to not only hear the submissions and consider the evidence, but also to look on numerous occasions to the relevant race footage. The race footage is available from a number of angles each angle necessarily giving a different aspect to what has occurred.
- [17] Firstly, from the official race footage it is apparent to the panel that at approximately the 1100 metre mark the Applicant has made his way into what might be called the box seat behind the leader Born To Be Alive ridden by apprentice Youngberry. To Youngberry's outside is By By Bean, ridden by Jockey Fazackerley. The Applicant has Jockey Smith riding Kasear about a length back to his outside and further out is Prophet Of Boom ridden by Jockey Thompson.
- [18] Inside the 400 meter-mark, it appears that Jockey Smith on Kaesar has made his way to a half-length outside of the Applicant. On straightening, the Applicant angles out around the heels of the leader, that is, Apprentice Youngberry's mount. At this point, Jockey Smith has had to steer out and away from the Applicant's heels, checking his mount and losing his rightful running. The leader, Born To Be Alive, on entering the straight, appears to be a half horse off the fence. At this point the leader does not appear to have shifted out any further to the outside. It appears that Jockey Fazackerley and Jockey Thompson do shift in a horse. But this is after the interference to which we have referred.
- [19] Considering now the rear-on footage. Between the 400 meter- mark and the home turn Jockey Youngberry on the leader is at least a horse off the fence. As the runners swing into the straight the Applicant riding his mount along appears to be angling out around the heels of the leader. He has Jockey Smith half to three-quarters of a length back to his outside. At this point, Jockey Smith takes hold, steering out and away from the Applicant heels, then checks his mount.

⁷ Outline of Respondent's Submissions paragraphs 10 and 11

The runners to the outside do appear to shift in but do not contribute in any way to the interference.

- [20] Finally, moving to the head-on footage about which we've heard submissions this morning. As the runners swing into the home straight Apprentice Youngberry on the leader is about a horse off the fence. We do note that the inside rail is not uniformly straight. Angling out around Jockey Youngberry is the Applicant. As he shifts out, he moves into the line of Jockey Smith who was three quarters of a length back to his outside. Jockey Smith then has to steer out and away from the Applicants, heels, taking hold and checking his mount. At the point of the interference the runners to the outside have no bearing on the incident. Their movement, evident on the rear-on footage, occurs after the interference.
- [21] After watching the available footage now on numerous occasions, the Panel does not consider that the leader has rolled out a further horse and half as the Applicant had maintained, thereby taking him further out on the track. At most, any further movement out in the Panel's view was marginal or limited, as Mr. Daly may have put it in his submissions.
- [22] It is clear also to the panel that the Applicant having switched out across the heels of the leader has taken the running of Jockey Smith's mount Kasear. This has caused Jockey Smith to take evasive action, steering out and away from the Applicant's heels, then having to check.
- [23] Although he has not sought to rely on it in this argument today, it is clear to this Panel that neither of the outside riders contributed to the incident. The movement of horses was *after* the incident.
- [24] It follows from these reasons that we are satisfied that the charge of careless riding has been established. In relation to the issue of penalty, we say only that we accept the Stewards' determination that this fell in the medium range with Level Two consequences. The Applicant received a two-day deduction for his lack of careless riding suspensions, although we do note that he has had something of the order of 12 reprimands, including a number of severe reprimands, in the past 12 months. In any event, the penalty imposed in accordance with the template we accept that as being the appropriate penalty.
- [25] In the result, the order of the Panel pursuant to 252AH(1)(a) of the *Racing Integrity Act 2016*, is that the racing decision the subject of this Application is confirmed.