

DECISION

Racing Integrity Act 2016, sections 252AH, 252BM

Review application number	RAP-145	
Name	Leslie Tilley	
Panel	Mr K J O'Brien AM (Chairperson)	
	Mr E Wilkinson (Panel Member)	
	Ms J Overell (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-011384	
Appearances & Representation	Applicant	Self represented
	Respondent	C Warren
Hearing Date	10 April 2025	
Decision Date	10 April 2025	
Decision	Pursuant to 252AH(1)(a) the Racing Decision is Confirmed	
	<i>(delivered ex tempore)</i>	

Reasons for Decision

- [1] This is an application by licenced thoroughbred jockey Mr Leslie Tilly for the review of a racing decision made by Stewards at Toowoomba on 5 April 2025. The Applicant was found guilty of a charge of careless riding contrary to Australian Rule of Racing 131(a).
- [2] On 5 April the Applicant had ridden the filly Rubber Bullets in Race One and maiden handicap on the Toowoomba Turf Club racing programme following the run a Stewards' Inquiry was conducted which led to the Applicant being charged with the breach of AR 131(a). The allegation against him was that:

that approaching the 100m he did exercise insufficient effort in preventing his mount from shifting in consequently tightening the running of ACCELERATE RAPIDLY obliging that runner to be checked and lose its rightful running

- [3] The Applicant had pleaded not guilty to the charge but was found guilty by the Stewards and a nine - day penalty, operative from 10 April 2025, to 18 of April 2025, both dates inclusive, was imposed. The length of the suspension was calculated in accordance with the Careless Riding Template, which appears as an annexure to the Penalty Guidelines. The level of carelessness was assessed as being low grade, with level two consequences of resultant checking and loss of rightful running. This attracted a starting penalty of a 10-day suspension of licence, which was then reduced by a period of one day to reflect the Applicant's disciplinary history of only two suspensions from more than 300 rides in the previous 12 months. The result was the nine day suspension referred to above.
- [4] The Applicant maintains, as he did before the Stewards, that he is not guilty of the careless riding offence. An attachment to his application for review sets out his reasons as follows:

I was riding first start 2-year-old in an Open Maiden which gave out in condition and was green from about 200 metre and I felt it started to lay in and I tried to correct the horse from the 150 to 50 metre mark which was when Dylan Bennett came up inside in when I was 2 off the fence. I had my horses head turned outwards and once it laid in, I never hit the horse again and I endeavoured to keep it straight.

The stewards charged me for not exercising sufficient effort for preventing my mount from shifting, I don't know what more I could have done other rip it sideways which no jockey will ever do because it will put themselves and riders and horses to their outside in significant danger. The steward's footage from 1.55 to 2.10 demonstrates that at 1-58 is the last time I strike my mount and start trying to stop it from laying into the fence, Dylan Benett's mount gets checked at 2.03 which is approximately 80 to 100 metres distance that I am endeavouring to stop my mount from careering towards the fence and unaware that Jockey Bennett is coming up the fence.

At 1.59 Bennet has last hit with whip, video shows he is still over a length away still a distance away from my horse.

2.00 My left elbow can be seen protruding trying hard to keep his horse from running in. I have my horse's head turned to the outside which indicates I am applying a lot of pressure to get the horse to straight(en).

- [5] The Steward's Inquiry heard evidence from Senior Steward Mr Clayton Warren who described his observation of the incident as follows¹:

¹ Transcript of Stewards' Hearing lines 17-29

I was situated in the Chairman's tower, which afforded me a head-on view of the incident. As the field have gotten around, my observation is as the field have gotten around the turn, Jockey Tilley on Rubber Bullets has sort of rolled out, just outside that one-off line, probably to one-and-a-half, getting to two wide, something like that and Apprentice Bennett has looked to go to his inside. Improving into that run to the inside of Jockey Tilley at around that point approaching the 100 metres, Jockey Tilley's mount has been sort of drifting in or shifting in over a, not an extended period, but a number of strides leading into that. At that point, at the 150, it did appear to me that as Apprentice Bennett has gotten up inside Jockey Tilley, Jockey Tilley's mount has rolled across his running, severely tightening him, obliging him to check and lose his rightful running.

- [6] The Applicant's account of the incident Transcript Lines 5257 was as follows²:

My starter, very green two-year-old, was very knocking up. Two strides before the incident actually occurred, I did feel my mount shift in. You do – like you will see me stop and my outside hand does move and try and keep her straight, but the more I tried to keep her off 4 the fence, the more difficult she was to get in and it wasn't until probably two or three strides after I'd been trying to do that, she has stepped in severely and that's when Apprentice Bennett has called and I've really tried to turn its head out.

- [7] When questioned as to whether he believed he had made sufficient effort to prevent his mount from shifting in, the Applicant responded³:

...okay, what more would you like me to do, rip its head off and screw it sideways? It's a first-started two-year-old, I've got my hand off its neck, turning its head out, trying to get out. I've – I'm doing my best on a green two-year-old that's getting away from – getting in. I had to regather my reins because I was running out of reins and that's when she's got in, I had to reef her off.

- [8] After being charged with the offence, the Applicant made the following comment⁴:

It is clearly on the film that I have made effort for five or six strides before the main incident. The main incident looks worse than it is because Dylan Bennett's horse has hit my horse's hindquarters, which has turned the shoulder in and that's why there's been a greater effort made then because it looks worse, because my hindquarters is turned in.

Yes, you have stated and yes we have all agreed that my mount was getting in for approximately 50 to 60 metres, but I have made sufficient effort for that 50 to 60 metres, I have put the stick away, I have turned the horse's head out and I have tried to keep my line as straight as possible. The horse is a very green two-year-old, weakening late, knocking up severely and I believe I've done everything possible to try and keep my mount off the fence. I'm not sure what more you wanted me to do. I'm not going to reef and tear its head off when I was only marginally shifting and I was sufficiently holding my ground until the hindquarters has been touched

- [9] These passages from the Inquiry serve to sufficiently set out the arguments of the Applicant, which he has repeated before this Panel today. The Stewards found the Applicant guilty of the offence. They acknowledged that some effort had been made by the Applicant leading into the incident to prevent his mount from shifting in, but they considered that effort was insufficient. They noted greater effort

² Ibid lines 52-57

³ Ibid lines 124-129

⁴ Ibid lines 235-251

was made in the shift when Apprentice Bennet was already checking his mount. They considered those efforts by the Applicant to be too late to have any remedial effect on the incident.

- [10] This Panel of course must form its own view of the incident. We have viewed and reviewed the footage now on numerous occasions, and we have paid particular attention to those areas identified by the Applicant in his submissions. The footage available to us shows the progress of the race from several angles, watching the official race footage at approximately the 700 metre mark the Applicant is running third on the fence. Further back, second last is Apprentice Bennett, slowly improving his position. On straightening, the Applicant under hard riding directs his mount out to be a horse and a half off the fence. Apprentice Bennett has improved on the fence to where, at the 150 metre mark he is approximately a length back to the inside of the Applicant. Soon after, the Applicant stops riding with the whip, when his mount begins shifting in. Apprentice Bennett is now inside the Applicant's hind quarter. As the shift continues, the Applicant, possibly hearing a call, looks back to his inside. At the same time, Apprentice Bennett takes hold and checks his mount, losing his rightful running.
- [11] Watching the rear-on footage it is apparent that Jockey Tilly, inside the 200 metre mark is one-off the fence riding his mount along. Apprentice Bennett is a further length and three quarters back, improving on the fence. Inside the 150 metre mark Jockey Tilley's mount begins to shift in where he stops riding with the whip and turns his horse's head out. Apprentice Bennett has moved to within a length inside of the Applicant who takes a look back to his inside. At this point Apprentice Bennett, due to the inward shift runs out of room, taking hold and checking his mount.
- [12] Finally the head on footage shows the Applicant inside the 200 metre mark one-off the fence moving his mount along with Apprentice Bennett writing his mouth along with apprentice Bennett improving to his inside. It appears inside the 150 metre mark that the Applicant's mount begins shifting in, where he stops riding with the whip, attempting to straighten his mount. He then appears to take another hold approaching the 100 metre mark. At this point his mount shifts in further where Apprentice Bennett has improved to the inside of the Applicant's heels. Apprentice Bennett runs out of room, having to check his mouth and lose his rightful running, Directly after, the Applicant realised Apprentice Bennett is in trouble, steers his mount out to one and a half horses off the fence. The Applicant, in his account before this Panel has indicated that he was unaware of the improving ground made by Apprentice Bennett.
- [13] It is the opinion of this Panel having watched the race footage from those three different angles, that on entering the straight the Applicant has his mount under extreme pressure when inside the 150 metre mark, it begins to shift in. At this point it is evident that the Applicant stops rioting with the whip and attempts to straighten his mount. He then appears to take another hold. It is at this point his mount then shifts in further, moving into the running of Apprentice Bennett. The Applicant looks back to his inside, possibly hearing a call where Apprentice Bennett, having run out of room, takes hold and checks his mount. Directly after, the Applicant steers his mount out more aggressively to one and a half horses off the fence.
- [14] It is the opinion of this Panel that if the Applicant had attempted this manoeuvre when his mount first began to shift in, he would have remained one off the fence, giving Apprentice Bennett sufficient room to the inside.
- [15] The object of the careless riding rule as the Respondent has submitted is to provide safe and fair racing for both horse and jockey. Jockeys are required to exercise due care. It is their obligation at all times to make every effort to ensure their horse is under control and that they do not interfere with the rightful

running of other competitors in the race. The onus is on the rider, in this case the Applicant, to ensure that he exercises sufficient effort to prevent his mount from shifting ground to avoid further interference to another runner.

- [16] It is the view of this Panel, based on our interpretation of the race, that the charge as particularised against the Applicant is established in the circumstances of this case and the offence of careless riding is made out.
- [17] The penalty was imposed by the Stewards by application of the of the careless riding template. As Stewards' had noted at the time, it may have been open to consider a more serious consequence of a severe check. They opted, in our view fairly, to proceed with a Level two consequence of check and loss of rightful running. For these reasons, it is the view of this Panel that the Application should be refused and that the racing decision is subject to the application be confirmed.

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