

REASONS FOR DETERMINATION OF
THE RACING PENALTIES APPEAL TRIBUNAL

APPELLANT:

ALANA SANSON

APPLICATION NO:

A30/08/649

PANEL:

MR D MOSENSEN (CHAIRPERSON)

DATE OF HEARING:

7 MARCH 2006

DATE OF DETERMINATION:

7 MARCH 2006

IN THE MATTER OF an appeal by Alana Sansom against the determination made by the Racing and Wagering Western Australia Stewards of Thoroughbred Racing on 28 February 2006 imposing 18 days suspension for breach of Rule 137(a) of the Australian Rules of Racing.

Mr L Smith was granted leave to appear for the appellant.

Mr J A Zucal appeared for the Racing and Wagering Western Australia Stewards of Thoroughbred Racing.

This is an appeal by a leading rider against both the conviction by the Stewards for careless riding and the 18 day suspension which was consequently imposed. The appeal was heard and dismissed on 7 March 2006. I now set out my reasons for dismissal.

The Stewards had charged Ms Sansom as follows:

'Miss Sansom, we've gone through the videos again and we've listened to all the evidence that's been presented and at this juncture, we intend to issue a charge against you under Australian Rule 137(a) which reads: Any rider may be punished

if in the opinion of the Stewards, he or she is guilty of careless, reckless, improper, incompetent or foul riding, and we specify the careless portion of that rule and the specifics are that on the programme, race programme at Ascot on the 18th of February 2006 in Race 9 you rode RAW METAL and the charge is that, or the specifics are that leaving the 75m whilst riding your mount out, you permitted the gelding to shift out when insufficiently clear, causing KINGSTON CLASSIC to be carried outwards with this being the predominant, contributing factor in that horse striking the heels of THIS'LL BE THE DAY which at the same stage shifted in slightly. In this incident KINGSTON CLASSIC fell and dislodged its rider, Patrick Carbery.'

The Stewards' finding on conviction was expressed in these terms:

'We've had a look at the points that you've raised in relation to the charge, your defence to it and had another look at the films and we believe the charge can be sustained. We acknowledge that your mount may have changed stride as you've stated in your evidence. We are of the opinion that your mount is already shifting outwards whilst being ridden along and in doing so is pressuring KINGSTON CLASSIC towards THIS'LL BE THE DAY and any change of stride from your mount is not a significant factor in RAW METAL's shift outwards. So that's our findings.'

The Stewards' finding on penalty was as follows:

'... we have pondered over an appropriate penalty to impose. There's a number of issues that we've taken into account and it's important that we, we let you know what they are. The level of carelessness we believe is on the lower end of the scale. It's not a situation where you've been riding with the whip and you've barged out and taken the running of another runner. You've only shifted probably in the vicinity of a half horse to a horse so we believe that's on the lower end of the scale. The degree of interference is obviously high in the fact that a rider was dislodged and hospitalised. We take that into account and also as I've pointed out earlier, there was a minor contribution to the interference by another runner and that, that is most significant in our thoughts on penalty. Your record shows you've had one suspension in the last twelve months which was back as you maintained in April and our records show that you've had in excess of 700 rides in that time since your last suspension and the Stewards accept that you're a rider who's not in here very often before the Stewards for causing careless riding, you're, you're the opposite, you're a very careful rider. The penalty we intend to impose, we believe it is appropriate in the circumstances and in that period of suspension we also take into account the fact that you're going to miss feature meetings which is the Bunbury Stakes and Bunbury Cup and the Pinjarra Cup on Sunday, so we've taken all those factors into account. Obviously we put the bar a lot higher when we issue suspensions for riders who cause a fall, but we believe the appropriate penalty is one of eighteen days. So that will commence after you take your rides at Mt Barker on Thursday and it will be up to and including the 20th of March, so in that period there is three Saturday metro meetings, one mid-week, five provincials and two country.'

During the course of the appeal proceedings I had the benefit of the transcript of the Stewards' inquiry, the video of the race which I viewed accompanied by Mr Smith's

description of the ride as well as hearing Mr Zucal's response to Mr Smith's argument. In summary the argument which Mr L Smith advanced on Ms Sansom's behalf was as follows:

- Ms Sansom was wrongly charged,
- the appellant's riding was not the only contributor to the incident,
- the rider had no control over her mount at the vital moment as the horse had changed stride, and
- 8 days suspension would be the appropriate period and that such a reduced penalty would allow Miss Sansom to ride in some important forthcoming races.

I was satisfied that it had not been demonstrated the Stewards fell into any error in relation to both the conviction and penalty. The charge relates to a breach of Rule 137(a), which is a racing rule which creates an offence where '*in the opinion of the Stewards*' a transgression occurs. Nothing was presented in argument or was apparent from the transcript to show the Stewards were unreasonable in reaching the conclusion which they did. Whilst I acknowledge there may have been some contribution by another rider to the tightening which was apparent just prior to the fall occurring, that factor does not exonerate Ms Sansom for having allowed RAW METAL to move out in an inappropriate manner at the relevant time. I am not persuaded the change of stride circumstance amounted to an appropriate explanation which provided justification or exoneration for what subsequently transpired during the race.

The penalty of 18 days suspension which was imposed clearly fell well within the usual range of penalties which may be imposed for careless riding, namely 7 days to 2 months inclusive of the possibility of a fine. The Stewards clearly took into account the forthcoming riding engagements of Ms Sansom in reaching their conclusion. In those circumstances, there is no basis to interfere with the penalty imposed.



DAN MOSENSEN, CHAIRPERSON

