

**SOUTH AUSTRALIAN
RACING APPEALS TRIBUNAL**

RAT 22/2022

DATE OF HEARING: THURSDAY 2 FEBRUARY 22
TRIBUNAL: PRESIDENT: MR TIM ANDERSON, KC
ASSESSOR: MR GLYNN PRETTY

IN ATTENDANCE:

MR MICHAEL ZARB, STEWARD, RACING SA LTD
MR SIMON PRICE, REPRESENTATIVE FOR THE APPELLANT
MS ALANA LIVESEY, APPELLANT

IN THE MATTER of an Appeal by **MS ALANA LIVESEY** against a decision of Racing SA Ltd Stewards.

BREACH OF RULE: AR 131(a)

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

(a) engage in careless, reckless, improper, incompetent or foul riding;

PENALTY: SUSPENSION OF LICENCE TO RIDE FOR THREE MEETINGS

DETERMINATION

Ms Alana Livesey is an apprentice jockey in South Australia. She has appealed against a conviction and penalty imposed by the Stewards on 9 December 2022.

On that day at Port Lincoln Miss Livesey rode SHINSEKI in race 4. At the hearing before the Stewards Miss Livesey pleaded guilty to careless riding. She was suspended by the Stewards for three race meetings.

Before the Tribunal Miss Livesey was represented by Mr Simon Price. He indicated that she wished to change her plea to not guilty. Mr Price submitted that she was overcome at the hearing and despite speaking with Mr Dean Pettit and Miss Kayla Crowther before she pleaded guilty. She felt on reflection that she had made a mistake in doing that.

It was her first time before the Stewards and she was very nervous.

She was advised by the Tribunal that, if ultimately found guilty, she could lose the discount given to her by the Stewards for pleading guilty.

Her master, Mr Balfour, was not in attendance at the race meeting. I have said before that the Stewards should as far as is reasonable possible provide an apprentice with the assistance of their master if that master is readily available. The master can then represent the apprentice in the hearing before the Stewards. Of course that is not always possible and that was the case here.

The Stewards were entitled to believe that Miss Livesey had availed herself of the opportunity to discuss her plea with both Mr Pettit and Miss Crowther.

I have taken into account in all of the circumstances her inexperience and I have accepted that she was overcome on the occasion and therefore pleaded guilty without proper reflection.

I therefore allowed her to change her plea. Mr Zarb for the Stewards did not oppose her change of plea.

An incident occurred at around 100 metres from the winning post when Miss Jordsjo riding MOUNT MADEIRA (NZ) was sandwiched between Miss Livesey's horse and the horse ROAR, ridden by Miss L Annells.

Miss Livesey told the Stewards in the inquiry *"My mount was improving to the outside of Anna Jordsjo, and as I began to pass her my mount became, begun to severely hang in. I grabbed hold of my reins and tried to correct it on multiple occasions."*

She was asked by the Chairman *"If your horse is hanging in, explain to me your thinking behind using the whip in the right hand."* Miss Livesey replied *"I shouldn't have. I should have been good enough to pull it through sir."*

Mr Price maintained that Miss Livesey had done nothing wrong. He submitted that it was not careless riding. The vision of the race shows Miss Livesey's horse starting to hang in at about the 100 metre mark. She then tried to turn its head but used her whip in her right hand which had the effect of causing the horse to move even further towards the inside.

At the same time Miss Annells had guided her horse from the inside and had drifted out to actually make contact and bump Miss Jordsjo's horse.

In my view Miss Annells was a major contributing factor to the inconvenience suffered by Miss Jordsjo however, the use of the whip by Miss Livesey in her right hand when the horse wanted to hang in, was also a contributing factor and in my view did amount to careless riding.

In my view the Stewards were correct in finding the careless riding charge made out.

Both Miss Livesey and Miss Annells were suspended for three race meetings. Mr Price argued that Miss Livesey should have received less than Miss Annells.

Miss Livesey has a very good record and is a rider in demand, both in provincial and city meetings. She impressed me as a diligent, young rider.

The Stewards started their consideration at five meetings, which is normal practice for careless riding and then reduced that by one for her good record and by a further one for her plea of guilty, making up the three meeting suspension.

I agree with the starting point of five meetings. However, in the exercise of my discretion, having regard to the penalty imposed on Miss Annells, I would leave the penalty for Miss Livesey at three meetings despite her change of plea.

The suspension will commence at midnight on the Saturday 11 February 2023 and finish at midnight on the Thursday, 16 February 2023.

I will order that the applicable portion of the bond lodged with the appeal be refunded.