

APPEAL PANEL OF RACING NEW SOUTH WALES

IN THE MATTER OF THE APPEAL OF APPRENTICE JOCKEY CHELSEA HILLIER

Heard at Racing NSW Offices

Appeal Panel: **Mr L. Vellis - Convenor; Mr P. Losh; Mr J. Murphy**
Representatives: **Racing NSW - Mr S.G. Railton, Chairman of Stewards for Racing NSW**
Appellant – Self-represented, with Mr R. Northam (Master) assisting
Date of Hearing: **31 May 2024**
Date of Reasons and Orders: **31 May 2024**

REASONS FOR DECISION

1. On Sunday 26 May 2024, following her ride in Race 5 on *Arpels* in the Showcase Class 1 Handicap over 1,400 metres at Gunnedah Racecourse, apprentice jockey Ms Chelsea Hillier (**Appellant**) was charged with a breach of AR 131(a) of the Australian Rules of Racing.
2. The particulars of the charge alleged were that the Appellant engaged in "careless" riding in that:
"...near the 250 metres you did fail, Apprentice Hillier, to make sufficient effort to prevent your mount from shifting in when insufficiently clear of Outback Crumpet, which was carried across the heels of Major Makeover and, as a result, had to be checked and lost its rightful running."
3. The Appellant pleaded not guilty, but was found to have breached the rule. Using the Careless Riding Penalty Template (**Template**), she was penalised with a five meeting suspension on the basis of a grading of "low" carelessness, that had the consequence of a check and loss of rightful running for *Outback Crumpet*.
4. The Appellant has appealed to the Panel against the finding of breach. She was self-represented with assistance from her Master, Mr R. Northam. Mr S.G. Railton, the Chairman of Stewards, appeared for Racing NSW. Film of the race and the transcript of the Stewards' Inquiry was tendered, with no oral evidence being called.

Submissions

5. Mr Railton submitted that approaching the 250 metres the Appellant was riding *Arpels* when her mount started to shift in when insufficiently clear of *Outback Crumpet*. This caused Mikayla Weir on *Outback Crumpet* to be carried across the heels of *Major*

Makeover (ridden by Grant Buckley), causing *Outback Crumpet* to be checked and lose its rightful running.

6. Mr Railton submitted that riders always have a duty to take care for other riders and all horses, and accepted that while the Appellant did not direct her mount in, when her mount did shift in, the Appellant should have taken quicker and more forceful corrective action.
7. Ms Hillier, with support from Mr Northam, made the following submissions:
 - a. the Appellant submitted that it was Braith Nock on *Antarctic Pride* who shifted in on *Arpels*, a move unrelated to the riding actions of the Appellant. Ms Weir claimed that this shift in by *Antarctic Pride* caused a bump to *Arpels* that resulted in *Arpels* quickly shifting in. The Appellant submitted that she then responded as quickly as she could to first ensure she stayed on her mount and then straightened her mount.
 - b. the Appellant submitted that this was a racing incident that occurs when there is a lot happening at the same time and her actions and response time were not careless. Ms Weir submitted that while a more experienced rider may have responded quicker to the shift in and bump from *Antarctic Pride*, this does not mean that her actions were careless.
 - c. the Appellant also submitted that the impact of the shift in by *Arpels* upon Mikayla Weir on *Outback Crumpet* was uncertain as at the same time Chelsea Stanley on St Roy shifted out and caused interference to Grant Buckley on *Major Makeover*, which also appeared to contribute to the difficult position Mikayla Weir on *Outback Crumpet* was in.
 - d. it was also submitted that *Arpels* did not respond as quickly to Ms Hillier's corrective action as she had expected. It was the Appellant's first time riding *Arpels* and the Appellant had expected a more robust response when urged.

Resolution

8. The Panel viewed film of the race multiple times from different angles. We make the following findings primarily based on the film:
 - a. Based on the film, it is possible to form the view that *Arpels* did shift in because of pressure from *Antarctic Pride*, who had shifted in. Once *Arpels* shifted in, Ms Hillier quickly straightened her mount.
 - b. The Panel is not comfortably satisfied that the Appellant's response to the shift in by *Antarctic Pride* was insufficient or careless.
 - c. While it is unfortunate that there was a check and loss of rightful running for Mikayla Weir on *Outback Crumpet*, the Panel is of the view that this was an unfortunate racing

incident with numerous authors rather than an incident caused by any careless riding of the Appellant.

9. This was not a decision easily reached by the Panel, but it was nonetheless a decision reached unanimously. It was an unfortunate racing incident but the Panel is not comfortably satisfied that the Appellant's actions were careless. Viewed within the lens of a rider of some 18 months experience, the Panel is of the view that the Appellant made a quick and forceful effort to prevent her mount from shifting in.
10. Two reasonable people viewing the film could draw different conclusions. Further, the Panel is very conscious that AR 131(a) is a rule of safety, which is of paramount concern. However, the Panel must still be comfortably satisfied that a breach of the rule has occurred. As much as anything else, the burden of proof on the Stewards (the standard being balance of probabilities) explains the outcome of the appeal. We were not convinced that the actions of the Appellant were in any way careless, and for that reason the appeal must be allowed.
11. The orders of the Panel are:
 - a. Appeal upheld.
 - b. Finding of a breach of AR 131(a) set aside.
 - c. Penalty of a five meeting suspension set aside.
 - d. Appeal deposit to be refunded.
