

DECISION

Racing Integrity Act 2016, sections 252AH, 252BM

Review application number	RAP-72	
Name	Brooke Johnson	
Panel	Mr Kerry O'Brien AM (Chairperson) Mr Edwin Wilkinson (Panel Member) Mr John McCoy AOM (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-009255	
Appearances & Representation	Applicant	Self-represented
	Respondent	Queensland Racing Integrity Commission Joshua Adams
Hearing Date	13 December 2023	
Decision Date	13 December 2023	
Decision <i>(delivered ex tempore)</i>	Pursuant to 252AH(1)(b) of the Racing decision is varied to a 12 day suspension.	

Reasons for Decision

- [1] The Applicant in this matter is Apprentice Brooke Johnson. On 30 November 2023 was found guilty by Stewards of an offence of careless riding contrary to Australian Rule of Racing 131(a) following her ride on the horse Harch Road in race 6 of the Mackey Turf Club race meeting held on that day.
- [2] The penalty subsequently imposed on Miss Johnson was a licensed suspension of 13 days commencing at midnight on the 10 December 2023 and ending at midnight on the 23 December 2023. She now applies to this Panel for a review of that penalty decision, contending that it is excessive in the circumstances.
- [3] The particulars of the charge against the Applicant were as follows:
- “Apprentice Brooke Johnson, the rider Harch Road in race 6 at Mackay on 30th of November 2023, approaching the 1050 metres, allowed your mount to shift in when insufficiently clear, resulting in Thunderbird having to check and then continuing to shift inwards, dictating The Blonde Goddess in onto Chucka Dummy and Karakaroo, resulting in both horses and runners having to severely check.”*
- [4] Miss Johnson does not dispute she is guilty of the charge in so far as it alleges that she allowed her mount to shift in when insufficiently clear resulting in Apprentice Jockey Fenlon’s mount Thunderbird having to check.
- [5] She disputes however, the finding that she dictated to Jockey Satherley’s mount, The Blonde Goddess and contends that Jockey Satherley had sufficient room to hold his line, but his horse shifted in onto the inside runners without dictation from her thereby causing the difficulties experienced by those two horses.
- [6] The Stewards took evidence from the riders of those several horses. Apprentice Jockey Fenlon the rider of Thunderbird stated that she had been pushing forward when she came across from her outside, forcing her to take hold. She describes the Applicant’s horse crossing from her outside. The rider of the horse Chucka Dummy, Jockey Semmens described receiving *“a lot of pressure from her outside”*, forcing her on heels and causing her to take hold.
- [7] Jockey Satherley, the rider of The Blonde Goddess, described pressure from his outside. He called to the Applicant *“a couple of times”* but she kept a line coming across, placing him in an awkward position, horses inside would have to check. The Applicant came across *“too quick”* in his assessment when only half a length clear.
- [8] The rider of the horse Karakaroo, Apprentice Jockey Molloy, described being the inside runner on the fence. She received a lot of pressure from her outside, although she couldn’t see exactly where that was coming from.
- [9] Finally, the Applicant in her evidence before the Stewards said that she had kept her straight line, and that she did not cause any pressure to Jockey Satherley’s mount.
- [10] Following the viewing of the race footage before the Stewards, the Applicant’s Master, Mr Taylor, conceded the interference with Jockey Fenlon’s mount Thunderbird but mounted a forceful challenge to the allegation that involved Jockey Satherley’s mount.
- [11] Ultimately, after considering the evidence and the race footage, the Stewards found the charge to be proven in the terms particularised.

- [12] They subsequently concluded, in accordance with the Careless Riding Template that is applicable in the circumstances, that the Applicant's degree of careless riding was in the low range. In terms of consequences, under the Template, the severe checking of a horse or horses which activated a suspension of 13 days.
- [13] Having regard to the Applicant's previous record, she was not entitled to any discount under step two of the template, but she attracted a premium under step three of a further day because her record disclosed three suspensions in less than 300 rides in the previous 12 months.
- [14] This brought the total to 14 days, which was then reduced under step five of the penalty template by a period of one day by reason the Applicant's status as an apprentice rider. The result then was a penalty of 13 days suspension of license.
- [15] This Panel must of course make its own decision in relation to the circumstances of the riding on that occasion.
- [16] In doing that, we have regard to the evidence that was given before the Stewards and the other material that was before the Stewards. We have reviewed on numerous occasions the race footage from that day.
- [17] We've also heard the arguments of the Applicant before us and also those of Mr Adams who appears for the Respondent.
- [18] The race footage, which we have found to be of particular assistance, falls into two parts. There is a side on footage and then there is the head on footage.
- [19] Watching the race footage, it is apparent that the Applicant on Harch Road begins reasonably well and rides her mount along to establish a forward position. Approaching the 1050 metre mark as she gets the better of Thunderbird, the horse to her inside, Thunderbird's rider takes hold and loses a fair amount of ground. Thunderbird does appear to overreact somewhat.
- [20] As the race continues, the Applicant has The Blonde Goddess, Chucka Dummy and Karakaroo racing to her inside.
- [21] Approaching the 900 meter mark, Jockey Satherley on The Blonde Goddess rides his mount along to hold a forward position. At this point, Jockey Semmens on Chucka Dummy takes hold and checks severely.
- [22] Jockey Molloy's mount Karakaroo on the fence looks somewhat awkward but doesn't appear to check. Jockey Satherley does have his horses head turned out.
- [23] Watching the Steward's footage, approaching the 1050 metre mark, the Applicant on her mount Harch Road whilst riding forward does come across at an acute angle.
- [24] Jockey Fenlon to her inside on Thunderbird anticipates her running being taken and takes hold of her mount, eventually checking off the heels of Harch Road. Thunderbird loses a considerable amount of ground.
- [25] While taking hold and checking, Thunderbird appears to come into contact, or at least brush the hind quarters of The Blonde Goddess, starting that runner on an inward path which eventuates in Chucka Dummy losing its rightful running and having to be severely checked.
- [26] Jockey Satherley appears to have his horses head turned outwards to stay off the runners to his inside.

- [27] Karakaroo on the inside on the fence is buffered around by Chucka Dummy but does not appear to check. Although there does appear to be approximately half a horse between the Applicant's mount and The Blonde Goddess. The Panel believes that the interference is a snowball effect starting with Thunderbird being checked then contacting or brushing the hind quarters of The Blonde Goddess which shifts into the rightful running of Chucka Dummy being severely checking and in turn buffering Kararkao.
- [28] This finding is not precisely in accordance with the original particularization of the charge levelled against the Applicant. However, the Panel does not regard this charge as involving two separate and discrete incidents. Rather, the Panel agrees with the Stewards, that this was a single incident occurring as a consequence of the shift of the Applicant and her acute movement across.
- [29] In reality any variation in the particulars is not of great significance where the evidence involves a single course of conduct, and where, in any event, the Applicant has had the opportunity to respond, as she did through her Master, Mr Taylor.
- [30] The Panel is satisfied that the charge of careless riding is established. Given the severe checking of the horse Chucka Dummy, the carelessness, which we grade as being low range, falls within category three in terms of consequences. Applying the template, this attracts a penalty of 13 days suspension.
- [31] The Applicant's record does not entitle her to any discount under step two of the template. However, this Panel takes issue with the determination of the Stewards in relation to step three adding a further day on the basis that the Applicant was someone who had "*three plus*" suspensions in the past 12 months.
- [32] It is clearly not the case that she has had "*three plus*" suspensions over that period of time. She has had three suspensions only.
- [33] Step three on the template references an addition of two days for four suspensions and less than 300 rides in the last 12 months. That is at odds with the subsequent referencing of a one-day premium for "*three plus*" suspensions and less than 300 rides in the past 12 months. This is obviously an anomaly that needs to be addressed. It may be that the intention was to provide a one-day premium in cases of three suspensions and less than 300 rides in the last months.
- [34] There is no basis under step three for adding a further day onto the Applicant's suspension. She retains of course her entitlement to a one day deduction by reasons of being an Apprentice.
- [35] The result is that the period of suspension should be reduced to one of 12 days rather than 13.
- [36] The decision of this Panel pursuant with section 252AH1(b) of the *Racing Integrity Act 2016* is to vary the racing decision by reducing the suspension period by one day, amending the suspension to 12 days to end midnight on 22 December 2023.