

## DECISION

*Racing Integrity Act 2016, sections 252AB*

<b>Review application number</b>	RAP-39	
<b>Name</b>	Karl Zechner	
<b>Panel</b>	Ms Dianne Condon (Acting Chairperson) Ms Julie Overell (Panel Member) Ms Skye Bogenhuber (Panel Member)	
<b>Code</b>	Thoroughbreds	
<b>Rule</b>	Australian Rules of Racing 131(a) A rider must not, in the opinion of the Stewards engage in careless, reckless, improper, incompetent or foul riding;	
<b>Penalty Notice number</b>	PN-008207	
<b>Appearances &amp; Representation</b>	Applicant	Self represented
	Respondent	Clayton Warren
<b>Hearing Date</b>	4 August 2023	
<b>Decision Date</b>	4 August 2023	
<b>Decision</b> <i>(delivered ex tempore)</i>	Confirmed	
<b>Panel Penalty</b>	Twelve Day Suspension to commence on the 8 August 2023	
<b>Case References</b>	Nil	

## Reasons for Decision

[1] This is an Application for Review to this Panel under s. 252AB the Racing Integrity Act 2016 filed by the applicant on 31 July 2023 against a racing decision of the Queensland Racing Integrity Commission's (QRIC) Stewards of 29 July 2023.

[2] The applicant in this matter is Karl Zechner and he is a licenced thoroughbred jockey.

[3] On 29 July 2023 the applicant was riding the horse Sistine Chapel in a race 8 at Toowoomba.

[4] Following a Stewards inquiry conducted on that same date. The Applicant pleaded not guilty to a charge of careless riding pursuant to Rule 131(a) of the Australian Rules of Racing which provides:

*AR 131(a) - A rider must not, in the opinion of the Stewards engage in careless, reckless, improper, incompetent or foul riding*

[5] He subsequently was found guilty and was suspended from riding for a period of 12 days to commence on the 6 August 2023 and ending on Friday 17 August 2023. The charge was deemed to constitute mid-range carelessness.

[6] Pursuant to section 252AB of the *Racing Integrity Act 2016*, the Applicant now seeks a review of that decision by way of application filed on 31 July 2023 on the basis that the penalty imposed was excessive. The applicant has advanced that the degree of carelessness should fall within low range.

[7] The particulars of the charge as set out in the Penalty Information Notice are as follows;

*"Jockey K. Zechner ... did allow his mount to continually shift in from the 100m when insufficiently clear of HECTOR SAGO (NZ), which was dictated onto the heels of ITALIAN VIRTUOSO and obliged to restrain. Jockey K. Zechner's license to ride in races was suspended for a period of 12 days commencing Sunday, 6 August up to and including Friday, 17 August 2023."*

[8] In terms of considering culpability as the appropriate penalty to be imposed, in his application the applicant stated:

*"I believe approaching the 100m mark HECTOR SAGO that had insignificant time to take a run which the rider did not take and leaving the 100m mark where my horse does shift away from my whip which I do straighten."*

[9] The panel has had the opportunity to review the footage of the race and recordings of the steward's inquiry and to hear from the applicant. The Panel has also considered the submissions made by the applicant and for the respondent Mr Warren.

[10] Before the stewards the Applicant said:

- He admitted that he did shift in a margin and put pressure on horse to the inside, Hector Segoa, whose jockey had to steady and grab hold.
- He going was too hard and that Apprentice Webb's mount Hector Segoa rolls in quite a bit.
- That the winner Lola Star dictated to him.

[11] Before the stewards Apprentice Webb said she was dictated to on Hector Segoa by the applicant.

[12] Before the panel the applicant said in support of his application, including his argument that his riding was low range carelessness:

- That he did shift in but straightened.

- Apprentice Webb had clear running, she should have taken the gap but hesitated.
- He changed his whip because his mount stepped out slightly.
- He has 2 children and is the bread winner.
- He races Saturdays mainly, up to five races.

[13] Mr Warren for the Respondent submitted in support of the assessment that the careless riding was to be mid-range:

- The Applicant consistently shifted inward on Hector Segoa.
- He only straightened after that mount was placed on its heels, having been placed in a precarious position and Apprentice Jockey Webb having to restrain.
- That this was too late an effort and as such there were insufficient corrective efforts made to consider it low-range carelessness.
- There is an onus on the runner shifting ground to ensure they're sufficiently clear.

### **Discussion**

[14] The panel acknowledges that many of these situations are not easy to assess and there can be a fine line in determining when a matter is simply competitive riding or whether it may amount to careless riding and to what degree.

[15] The starting point under the relevant QRIC Thoroughbred Racing Penalty Guidelines for mid-range breach of this nature is 13 days. For a low range breach it's 10 days.

[16] The stewards categorised the applicant's conduct as falling within the mid-range for carelessness.

[17] The panel is of the same view considering:

- The applicant continued to shift in on his mount causing Hector Segoa to be placed in a precarious position on its heels and lose it's running; and
- Whilst the applicant did correct, there was a lack of corrective efforts made. In the respondent's words "too little, too late" is an accurate assessment.

[18] The applicant has a good riding record for the number of rides he has, with only a couple of suspensions and the most recent being in 2022. His good record was taken into account by the stewards when determining penalty and a discount of one day was applied in reaching a 12 day suspension.

### **Decision**

[19] In accordance with section 252AH(1)(a) of the Act, the Panel's decision is that the racing decision made by the stewards is confirmed.

[20] Given the panel has decided the review application, there are no further issues to consider as to the application for a stay of the steward's decision in accordance with section 252AT(4) of the Act.