

DECISION

Racing Integrity Act 2016, sections 252AH, 252BM

Review application number	RAP-63	
Name	Georgina Cartwright	
Panel	Mr Kerry O'Brien (Chairperson) Mr Edwin Wilkinson (Panel Member) Mr John McCoy (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-009114	
Appearances & Representation	Applicant	Self represented
	Respondent	Queensland Racing Integrity Commission Joshua Adams
Hearing Date	10 November 2023	
Decision Date	10 November 2023	
Decision	Pursuant to 252AH(1)(a) the Racing decision is confirmed. <i>(delivered ex tempore)</i>	
Case References	<i>Briginshaw v Briginshaw & Anor</i> 1938 60 CLR 336	

Reasons for Decision

- [1] The Applicant in these proceedings is Miss Georgina Cartwright. Miss Cartwright is a licenced jockey who on the 4th November 2023, was found guilty by Stewards of an offence of careless riding contrary to AR131(a).
- [2] The finding followed an inquiry conducted by Stewards into the Applicant's riding of the horse Boodua Romance in race 5 at Eagle Farm on 4th November 2023.
- [3] The Particulars of the charge against the Applicant were that she as the rider of Boodua Romance was guilty of careless riding "for shifting in approaching the 1200 meters where not clear of Calm Seeker (M. Castle) causing that horse to check to avoid heels and lose its rightful running."
- [4] The Applicant pleaded not guilty to the charge and following the Steward's determination she received a licence suspension of 14 days commencing at midnight on 12th November 2023 and ending at midnight on 26th November 2023.
- [5] Pursuant to section 252AB(1) of the *Racing Integrity Act 2016* she now seeks a review of that determination of guilt. The grounds for that review are set out in her Application and are as follows.
- Approaching the 1200 I looked to take up a forward position, I was aware I had 2 horses inside me. C Graham on my outside & going forward, I am dictated by her coming to the corner & knew there wasn't room for 3 horses as she came across. I had my mount's head turned outwards to try and relieve pressure as I had C Graham tightly outside of me and pushing forward & was awkwardly placed at her heels. I was held responsible for this & should not be held responsible for other riders' carelessness.*
- [6] At the inquiry, the Stewards heard evidence from the Applicant and from riders Castle and Graham, the riders of Calm Seeler and Zouologist respectively. Jockey Castle described the Applicant coming across from her outside, causing her to check off the heels of the Applicant's mount.
- [7] The Applicant's account, in summary, was that she was aware of two horses to her inside and that she had received pressure from Jockey Graham's mount to her outside. She was not looking to shift in. Jockey Graham denied placing pressure on the Applicant's mount.
- [8] The Stewards, after considering the evidence and reviewing footage of the race, were satisfied that the Applicant had shifted ground and that Graham had only taken up room created by the Applicant having moved in. In the Steward's view there was always daylight between the Applicant and Graham to her outside and Graham, in their view, played no part in creating the incident. The Applicant had failed to relieve pressure to the rider of Calm Seeker to her inside.
- [9] In imposing penalty on the Applicant, Stewards had regard to the careless riding template developed in association with the Jockey's Association and which now, as an Annexure, forms part of the Penalty Guidelines. Effectively it provides a new methodology for determining penalties in careless riding cases.
- [10] The offending was deemed to fall in the low range with the consequence of a horse being checked. In the application of step one of the template this attracted a penalty of 10 days suspension. The Applicant's record of several suspensions in the preceding 12 months deprived her of the entitlement for a discount under step 2. The fact that this was her 7th suspension for careless riding in that period of 12 months attracted a premium of a further 4 days suspension under step 3 of the template. The result was a total of 14 days suspension of licence.
- [11] In summary, the Applicant, in her carefully prepared submissions to this Panel, has maintained that it was pressure from her outside which caused her to move in. She was, she said, dictated to by Jockey

Graham, the rider of Zouologist. She disputes also that the horse to her inside was caused to check as a result of that movement. She submits that the footage is inconclusive in establishing that she is guilty of careless riding.

- [12] Mr. Adams, who appears for the Respondent, has submitted to the contrary. His submission is that the race footage is conclusive in showing that there was always, as he put it, 'daylight' between the Applicant and Jockey Graham's mount. He submits that there was a clear checking of the horse ridden by Jockey Castle and that so far as Graham's mount is concerned, it had only occupied the ground created by the Applicant's inward movement.
- [13] This Panel must of course make up its own mind in relation to the incident. We have had the opportunity to review the race footage and to consider the submissions that have been made to us.
- [14] Watching the race footage the horse Calm Seeker is ridden hard to hold a forward position. Further out, Boodua Romance and Zouologist both begin well and stride forward. Approaching the 1200 meter mark Jockey Cartwright, the Applicant, looks to her inside on a number of occasions with Jockey Graham on her outside going further forward and eventually taking the lead.
- [15] Jockey Castle, in the Panel's assessment, had to take hold of her mount, checking off the heels of Jockey Cartwright's mount. From this footage Jockey Graham doesn't appear to put any inward pressure on the Applicant.
- [16] Watching the head-on Steward's footage, approaching the 1200 meter mark the Applicant, on Boodua Romance has Jockey Graham racing to her outside on Zoologist and is shifting in toward Jockey Castle on the horse Calm Seeker. To Jockey Castle's inside on the fence is Jockey Marshall on Fixated. At this point the Applicant looks to her inside four or five times. The panel is satisfied that just before the point of interference the Applicant attempts to straighten her mount as she comes alongside Jockey Castle but the momentum of her shift in continues and puts Jockey Castle in an awkward position where she is forced to take hold and check her mount.
- [17] The Panel does not consider that Jockey Graham, on Zouologist, dictated to the Applicant to her inside and there doesn't appear to be any bearing on the incident from the horse Fixated running to the inside of Jockey Castle. The inside camera angle shows the same outcome and clearly shows that Jockey Graham does not dictate to the Applicant on her inside.
- [18] We are therefore of the view that the evidence does establish a charge of careless riding. We are satisfied also with the Steward's assessment that it falls within the low range and that so far as the application of the template is concerned the Stewards were correct in apportioning a grading of three as far as step one is concerned and also finding that the conduct attracted the four-day premium in step three.
- [19] As a consequence, it is the decision of this Panel, pursuant to section 252AH(a) of the *Racing Integrity Act 2016* that the racing decision is confirmed.