

DECISION

Racing Integrity Act 2016, sections 252AH, 252BM

Review application number	RAP-58	
Name	Sarah Robbins	
Panel	Mr Kerry O'Brien (Chairperson) Mr Edwin Wilkinson (Panel Member) Mr Daryl Kays (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-008999	
Appearances & Representation	Applicant	Self represented
	Respondent	Queensland Racing Integrity Commission Geoff Goold
Hearing Date	19 October 2023	
Decision Date	19 October 2023	
Decision	Pursuant to 252AH(1)(c) the Racing decision is varied. <i>(delivered ex tempore)</i>	
Panel Penalty	7 Day Suspension, commencing at midnight on 21 October 2023 and ending at midnight on 28 October 2023.	

Reasons for Decision

- [1] Ms Sarah Robbins is an Apprentice Jockey. On the 10th of October, 2023 Ms Robbins 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 Algeroba in race six at Barcardine. She received a penalty of eight days suspension of licence operative from midnight 19 October 2023 until midnight 27th of October 2023.
- [2] Pursuant to Section 252AB of the *Racing Integrity Act 2016* Ms Robbins now seeks a review of that racing decision as it relates to both the determination of guilt and to the severity of penalty.
- [3] The particulars of the charge against the Applicant Ms Robbins were that she as the rider of Algeroba in race 6 carelessly permitted her mount to shift in near the 900 metre turn, resulting in a runner to her inside being checked and two other trailing runners also suffering interference.
- [4] In her Application for Review Ms Robbins sets out her reasons for seeking review as follows.

“Senior Jockey Ms D Graham scrubbed her mount very aggressively up on the heels of others in limited room behind myself prior to checking. It was clear that her horse was not travelling well enough to be able to improve her position in the race. Mr A Sewell came across the field very aggressively from the outside barrier. I have no choice but to shift in slightly to allow room. If I have not, my mount would have been left on top of Mr A Sewell two strides later and caused a serious accident.”
- [5] The Stewards Inquiry heard from a Steward who was positioned on a tower near the 800 metre turn and was able to view the incident. The inquiry also heard evidence from the Applicant and two senior Jockeys, Jockeys Graham and Sewell. The Stewards also had access to the relevant race video footage.
- [6] All of this material is before this Panel which must of course make it's own assessment of the matter.
- [7] The account of the observing Steward was that the Applicant, starting from barrier 5, had headed for a forward position with Jockey Graham's mount (High ground) positioned to her inside. The Applicant continued to “come over” towards the fence and in doing so, placed Jockey Graham in tight racing room for several strides. At the same time Jockey Sewell was heading from the outside to get to a position forward of the field. Although Jockey Sewell was on the outside, he had no bearing on the interference caused by Jockey Grahams mount.
- [8] The trouble for Jockey Graham, according to the Steward's observations, had started well before jockey Sewell got to the outside of the Applicant.
- [9] Jockey Graham's account was that she had maintained her position from barrier three “to a nice position”. She saw the Applicant to her outside and, anticipating she was intending coming across, yelled to her. The Applicant, however, continued to come across, resulting in her clipping heels for a couple of strides and causing her to think that her horse would go down.
- [10] Jockey Sewell described crossing from an outside alley towards the lead to achieve what he called a three wide position. He did not consider that he had caused any problem for the Applicant.
- [11] The Applicants evidence was that she did see Jockey Sewell come across and although he was probably clear, “it looked as though he was going to keep coming in”.
- [12] She heard the yell from Jockey Graham and “kicked up as best (she) could to give (her) more room”.
- [13] She felt that she had nowhere to go because of the horse, Jockey Sewells mount on her outside, creating inward pressure on her.

- [14] Having heard the evidence and observed the race day footage the Stewards accepted that Jockey Graham had been forced to check her mount at a time when no pressure was being applied to the Applicant by Jockey Sewells mount.
- [15] It is a matter for this Panel to form its own assessment of events.
- [16] We have had the opportunity of observing the footage and from that it does appear that apprentice Robbins, the Applicant in this matter on Algeroba, shows good natural speed and quite comfortably finds herself in a forward position.
- [17] Jockey Graham is the rider of High Ground rode aggressively to try and hold a forward position. Jockey Sewell on his mount Kosowski from the outside barrier begins slowly but drives his mouth hard to race outside the leaders.
- [18] Initially it appeared Jockey Sewell when crossing over to the outside of the leaders has dictated to the Applicant, causing her to shift in on top of Jockey Graham, where she loses her position.
- [19] It would appear from the Stewards footage however that Jockey Graham on High Ground, whilst riding her mount aggressively, maintains a one off position, running into the 900 metre mark.
- [20] The Applicant mount shifts in at this point to race outside of the leader. Jockey Sewell on Kosowski does come across aggressively, but doesn't dictate to the runners on his inside.
- [21] He maintains a margin of half a horse between himself and Applicants mount.
- [22] This is evident as the footage rolls forward and arguably Jockey Sewell mount is a horse away from the Applicant. There are one or two runners back in the field that have to take hold when Jockey Graham checks her mount.
- [23] The Applicant does have her horses head turned slightly outwards, which would suggest that her mount was inclined to get in and away from Jockey Sewells mount.
- [24] We are satisfied that interference has occurred in this case as a consequence of the Applicants riding. The safety of horses and riders, as the Respondent submits, is a paramount consideration and the onus is on the rider shifting ground, in this instance the Applicant, to ensure that prior to shifting she was sufficiently clear beforehand to avoid any interference.
- [25] That said, we accept that the interference here looks more severe due to Jockey Grahams mount struggling to hold a position near the lead and when that horse is taken hold of, it drop backs quickly, causing runners behind that horse to also take hold.
- [26] It may be understandable that the Applicants reading of the race was her feeling that Jockey Sewell was going to continue to cross over, and in turn put her in on top of Jockey Graham.
- [27] Unfortunately for the Applicant, her mount does get in on top of Jockey Graham's mount High Ground, and leading up to this point, we accept the Jockey Sewel has straightened his mount so as not to cause or to contribute directly to the incident.
- [28] We are therefore satisfied that the charge of careless riding has been established. We come now to the question of penalty.
- [29] On the 29th of September 2023, an industry notice was sent to all thoroughbred participants, including, the Applicant in this matter advising of the implementation of the new careless riding template. It was introduced to provide Stewards with a framework to determine a penalty calculation

for careless riding by categorising the incident based on a number of criteria, including the grade of the charge, the riders previous record and feature meeting, loading, etcetera.

- [30] In this case, the Applicant has received an 8 day suspension of a licence to ride in races after the careless riding template was applied in determining in the grading of the charge.
- [31] Firstly, the Stewards graded the charge as being towards the low end of the medium range. The starting point for medium grade careless riding under the Penalty Guidelines is 13 days. The Stewards reduced that to 11 days. They afforded a two day discount for the Applicants previous good record and a further one day discount to allow for her inexperience as an apprentice jockey.
- [32] The Respondent accepts that this was not a case in which either grade 3 or grade 4 of step 1 of the template applied as no runners were severely checked and certainly no horse almost fell.
- [33] The careless riding template provides for discounts in a number of circumstances. There are mitigating circumstances, including guilty pleas and experience and contribution attributed to another runner.
- [34] It is the determination of this Panel that the careless riding of the Applicant properly falls within the low range rather than the medium range. We say that having regard to features already identified which made the incident appear more severe than it may in fact have been. We will not repeat those matters.
- [35] Therefore we adopt as a starting point a period of 10 days suspension as provided in the Penalty Guidelines. That should be reduced by two days to allow for the Applicants good record and a further day to allow for the fact that she is an apprentice jockey.
- [36] This would result in a substituted penalty of seven days suspension.
- [37] As indicated above, the suspension order made against the Applicant is presently operative from midnight on 19 October 2023 until midnight 27 October 2023. Section 252AH(5) of the Act states that the decision of the Panel takes effect on the day notice is given to the parties under s252AH(4) or on a later date if such a later date is stated in the notice.
- [38] The Applicant has sought that her suspension should commence at midnight on 21 October rather than on 19 October 2023.
- [39] She has riding commitments in the Western Queensland township of Blackall on 20 October 2023 and there are difficulties for trainers obtaining substitute riders on short notice in such locations.
- [40] This Panel has observed on previous occasions¹ that the mere fact that a suspension may have the consequence that a jockey may miss the opportunity to ride in a particular race or at a particular race meeting should not of itself as a matter of course constitute a ground for mitigating a penalty otherwise objectively appropriate and merited by the breaching conduct.
- [41] Thus, by way of example, the mere prospect that the suspension will result in a loss of income, or the chance to ride in a particular race, should not of itself provide a reason for the reduction of the otherwise appropriate penalty.
- [42] In this case there is no suggestion that the penalty appropriate to the Applicants conduct should be reduced. However, the legislation clearly recognises that the Panel does have some discretion as to date on which its decision is to take effect.

¹ Queensland Racing Integrity Commission V Beriman RAP-10 12 May 2023

- [43] In the particular circumstances of this case, where the period of extension sought is only two days and where the Panel is informed of the likely difficulties in obtaining replacement jockeys in a Western Queensland country township, it is appropriate that the extension should be granted.
- [44] Pursuant to section 252AH of the Act the determination of the Panel is to vary the racing decision and substitute a suspension of seven days for the one of eight days commencing on midnight 21 October 2023.

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