

## DECISION

*Racing Integrity Act 2016, sections 252AH, 252BM*

<b>Review application number</b>	RAP-134	
<b>Name</b>	Tahlia Fenlon	
<b>Panel</b>	Mr K J O'Brien AM (Chairperson) Ms D Condon (Deputy Chairperson) Ms L Hicks (Panel Member)	
<b>Code</b>	Thoroughbred	
<b>Rule</b>	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>	
<b>Penalty Notice number</b>	PN-011182	
<b>Appearances &amp; Representation</b>	Applicant	Self-represented
	Respondent	E Tickner Queensland Racing Integrity Commission
<b>Hearing Date</b>	24 February 2025	
<b>Decision Date</b>	26 February 2025	
<b>Decision</b>	Pursuant to 252AH(1)(a) the Racing Decision is Confirmed <i>(delivered ex tempore)</i>	

### Reasons for Decision

- [1] On 14 February 2025 following the running of Race 7 on the Rockhampton Jockey Club Programme at Callaghan Park, Apprentice Jockey Ms Tahlia Fenlon was found guilty by Stewards of an offence of careless riding contrary to Australian Rule of Racing 131(a).
- [2] Ms Fenlon's license was suspended for a period of 11 days<sup>1</sup> commencing at midnight on 23 February 2025 and ending at midnight on 6 March 2025.
- [3] Pursuant to section 252AB of the *Racing Integrity Act 2016 (The Act)* the Applicant now seeks a review of that decision.
- [4] The Applicant had been the rider of the horse Scrub Chain in Race 7. The charge against her alleged that she had exercised insufficient effort to prevent her mount from shifting in, resulting in Run Away Renee (ridden by Jockey Georgina Cartwright) being directed inwards, resulting in the horse Better Than Words (ridden by Apprentice Jockey Olivia Kendall) having to check and another horse, Bold Change (ridden by Jockey Ryan Wiggins) further to the inside also having to check.
- [5] The Applicant pleaded not guilty to the charge and is seeking this review.
- [6] The Applicant expresses the belief<sup>2</sup> that she made sufficient effort to prevent her mount Scrub Chain from shifting in at the point of the incident.
- [7] It should here be noted that the Stewards' determination of penalty was made through the application of the Careless Riding Template, which appears as Annexure A in the Queensland Racing Integrity Commission's Thoroughbred Racing Penalty Guidelines. The degree of carelessness was assessed as falling within the mid-range, with category two consequences of another horse being required to check and/or lose rightful running. This attracted an initial 13-day suspension of licence which was reduced by one day to reflect the Applicant's disciplinary record and further one day to reflect the Applicant's status as an apprentice rider.
- [8] The Stewards' Inquiry involved taking evidence from a number of witnesses, as well as viewing the race footage. We do not intend to set out the evidence in full as it forms part of the material, but we will refer to some aspects of it.
- [9] Evidence was taken from Steward Mr Shane Larkins who described his observation as follows<sup>3</sup>.

*It was my observation from the 900 metres stewards' tower, which gives me an elevated direct head-on view of the start and the horses as they raced to the first turn. It was my observation that Scrub Chain began extremely well from the middle of the field, drawn barrier 8, however with the scratchings, coming into barrier 6. I felt Scrub Chain had an advantage over Run Away Renee ridden by Ms Cartwright, but as the horses progressed towards the 900-metre turn, I felt Scrub Chain always was on an inward path towards the inside, carried Run Away Renee inwards, Ms Cartwright. I felt Ms Cartwright had an advantage over than Better Than Words to her inside ridden by apprentice Kendal and back further to the inside, however, slightly back on Better Than Words, was Mr Wiggins's mount, Bold Change. I felt as they raced to the 900-metre turn, it was my observation that Scrub Chain, ridden by apprentice Fenlon, has tightened the ground of the runner to its inside, Run Away Renee, which resulted in that horse being carried in onto Better Than Words and in turn, Bold Change, resulting in both those runners being checked.*

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<sup>1</sup> PN-00111282

<sup>2</sup> Application for Review Attachment lodged 17 February 2025

<sup>3</sup> Transcript of Stewards' Inquiry, lines 24-42

- [10] Jockey Wiggins, the rider of Bold Change confirmed that he had been forced to check<sup>4</sup> “as per Mr Larkin’s observations” due to the pressure from his outside.
- [11] Apprentice Jockey Kendall, the rider of Better Than Words, described how Jockey Cartwright's mount Runaway Renee had “come across” into her line of running<sup>5</sup> and Jockey Cartwright described pressure from her outside placing her awkwardly on the heels of the Applicant's horse<sup>6</sup>. In general, the evidence given by these several riders tended to confirm the observations of Steward Larkins.
- [12] The Applicant said that she “was coming across...and thought (she) had allowed room to do so”. The Applicant's account<sup>7</sup> was that she had tried to hold her position, but Jockey Sewell’s mount Amberinger, had come across from her outside and her mount has taken an “awkward step-in” contrary to her intention. The problem, she suggests, was compounded by the fact that the incident occurred on the corner.
- [13] It should be noted that Jockey Sewell’s account<sup>8</sup> was that “If anything, (he) stepped in later on...after the corner” He thought he was clear of the Applicant. After viewing the race footage Jockey Sewell confirmed his initial evidence and said that he considered he was racing in a three wide position at the time of the incident<sup>9</sup>.
- [14] The Stewards ultimately considered that Jockey Sewell’s inward shift had no bearing on the inward shift made by the Applicant<sup>10</sup>. Having found the Applicant guilty of the charge of careless riding, Stewards then imposed the penalty referred to above.
- [15] This Panel must of course form its own view of the circumstances of this race and has had the opportunity to consider the whole of the evidence placed before the Stewards, and to view the race footage on numerous occasions. We have had regard to the arguments that have been advanced vigorously and very capably by Mr Munce on the Applicant's behalf, and we have taken those matters into consideration.
- [16] It is apparent that the Applicant, riding Scrub Chain, is positioned as the sixth horse from the inside. She begins the race well and appears to be urging her mount forward under hard riding. Shortly after starting, Scrub Chain is directed on an inward path by the Applicant as she states in her evidence, in an attempt to go forward and take up an infield position. Leaving the 1000m mark, she has three horses which appeared to have established runs to her inside. Jockey Cartwright's horse, Runaway Renee, Apprentice Kendall's mount, Better Than Words, and Jockey Wiggins on Bold Change.
- [17] Leaving the 1000 metre mark, the Applicant continues an inward path and shifts into a tight two and a half to three-wide position, which results in Jockey Kendall on Better Than Words, racing to the inside of Jockey Cartwright and to the outside of Wiggins, to become tightened for racing room and subsequently having to ease her mount losing her rightful running.
- [18] A short distance later and approaching the 900 metres and the first turn, the Applicant continues to shift into a two-wide position resulting in Jockey Wiggins, racing to the inside of Jockey Cartwright, who

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<sup>4</sup> Ibid lines 51-63 and 154-162

<sup>5</sup> Ibid 54-57

<sup>6</sup> Ibid lines 97-105, 175-189 and 247-252

<sup>7</sup> Ibid lines 288-327

<sup>8</sup> Ibid lines 121-127

<sup>9</sup> Ibid lines 191-198

<sup>10</sup> Ibid lines 366-371

was in turn racing to the Applicant's immediate inside, becoming restricted for racing room and subsequently having to check his mount and lose his rightful running.

- [19] The Panel does not consider that Amberinger, ridden by Jockey Sewell, has any real bearing on the incident. We do not consider that the actions of that horse dictated the direction of the Applicant's mount.
- [20] We acknowledge that there was some attempt by the Applicant to maintain her racing line around the 1000 metre mark. However, shortly afterwards approaching the 900 metres, she continues on an inward course. It is the Panel's view that Jockey Sewell on Amberinger does as the Stewards suggest and takes up the position to the immediate outside of the Applicant as she shifts in. An experienced rider like Jockey Sewell may have read the play, and understanding the intention of the Applicant to take up a position closer to the fence has used her shift to his advantage and filled the void left by the Applicant. He is entitled to shift ground at any point of the race without issue or until his mount impedes the racing time or rightful running of another mount in the race. We do not believe that Jockey Sewell has contributed to the interference or erred in his riding obligations.
- [21] As stated by the Applicant on a number of occasions during the inquiry, it appears that she was not aware, or at least not fully aware of the runners to her inside before she shifts, effectively, from a comfortable four wide position leaving the 1000 thousand metre mark to a neat two-wide position leaving the 900-metre mark.
- [22] It is the Panel's view that the Applicant should have taken greater measures to relieve pressure on the inside runners by straightening to hold or maintain her racing line. It follows that in the view of this Panel, the charge of careless riding is established.
- [23] The penalty imposed is in accordance with the Careless Riding Template, and we see no reason to interfere in that regard.
- [24] In accordance with section 252AH(1)(a) of the Act, the order of the Panel is that the racing decision the subject of this Application is confirmed.