

DECISION

Racing Integrity Act 2016, sections 252AH, 252BM

Review application number	RAP-136	
Name	Dylan Turner	
Panel	Mr K J O'Brien AM (Chairperson) Mr K Waller (Panel Member) Ms J Overell (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-011210	
Appearances & Representation	Applicant	Self-represented
	Respondent	Queensland Racing Integrity Commission
Hearing Date	28 February 2025	
Decision Date	28 February 2025	
Decision <i>(delivered ex tempore)</i>	Pursuant to 252AH(1)(c) the Racing Decision is set aside and a decision of not guilty substituted	

Reasons for Decision

- [1] We have before us an application by Jockey Dylan Turner for the review of a decision made by Stewards on 18 February 2025 to suspend his licence to ride for a period of nine days. The suspension followed an Inquiry conducted by the Stewards into the Applicant's ride on the horse Passionate Rebel in Race 7 at Kilcoy on 18 February 2025.
- [2] At the conclusion of that Inquiry, the Applicant was charged with an offence of careless riding contrary to Australian Rule of Racing 131(a). The allegation against him was that, in passing the winning post on the first occasion, he permitted his mount to shift in crowding the running of Above The Sky, ridden by Jockey Georgina Cartwright, which in turn was taken in, crowding the running of Lovesalady, ridden by Jockey Mignonette Kennedy, which had to check.
- [3] The Applicant pleaded not guilty to the charge, but the Stewards were satisfied of his guilt and impose the nine-day penalty referred to above.
- [4] The penalty was determined in accordance with the Careless Riding Template that appears as Annexure A to the Penalty Guidelines for Thoroughbred Racing issued by the Queensland Racing Integrity Commission. The level of carelessness was graded as low, with level 2 consequences of another horse being checked. This attracted a starting penalty of a 10 day license suspension which was reduced one day to reflect the Applicant's generally good disciplinary record.
- [5] In seeking this review, the Applicant contends that he did not breach the rule of racing. The essence of his argument is that he was not responsible for any crowding experienced by Jockey Cartwright on Above The Sky.
- [6] His submissions are set out in greater detail in his attachment to his application as follows¹:

On the official replay I believe approaching the winning post you can clearly see I am making my way closer to the rail, and I would be 3 to 3 and a half wide which has plenty of room for 3 horses being myself, Georgina Cartwright and Minonette Kennedy. At the point Jockey Kennedy is 'crowded' my actions have no bearing on her. The horse in front of Jockey Kennedy being Belle's Boy ridden by Hannah Richardson slows down marginally approaching the most treacherous turn of any track in Queensland at the winning post which contributes to Jockey Kennedy being crowded as she appears to take evasive action away from Jockey Richardson's heels. For several hundred metres after this incident, I always remain in a 3 wide position and never encroach on Georgina Cartwright which in turn forces Minonette Kennedy back to the rail and then causes her to be crowded. It is not until about the 1000 metre mark that I manage to work my way into a 2 wide position. Right at the point of the winning post, Jockey Kennedy has already slotted back to the rail whereas about 100 metres prior to the post she was about half a horse off the rail, and this is not from any actions of myself, it appears as she has not been able to work up outside Jockey Richardson and slotted

¹ Attachment A to Application for Review

back taken the shortest way home. At the inquiry, Jockey Kennedy appears to blame me solely for the crowding, but I don't believe at any point I have encroach on her line and the crowding happened from an experienced jockey like Ms Richardson who is based at Kilcoy and rides there often knowing all about that treacherous corner and marginally easing her mount and Jockey Kennedy reacting to avoid heels.

[7] The Stewards heard evidence from Steward Mr Kym Daley who gave the following account ²:

I had a clear head on observation of it. Racing on the fence was Lovezeladys, Minonette Kennedy. To her outside, probably a length and a quarter forward, Georgina Cartwright, Above The Sky. Going forward wider on the track three wide was Passionate Rebel, Dylan Turner. I thought at the point of the incident that Passionate Rebel shifted in, applying pressure to the inside of Above The Sky which was taken in. As a result of Above The Sky being taken in, Lovezeladys had to check.

[8] Jockey Kennedy, when asked for her account of the incident said that she had drawn Barrier One and had started aggressively endeavouring to hold her position, but she said that she had been "checked straight out of it"³. She said the pressure had come from her outside⁴.

[9] After viewing the race footage Jockey Kennedy was pressed by the Stewards as to the reason why she had checked, and she said that she had been tightened, not because of her improving onto the heels of Jockey Richardson's horse, but because of the pressure from the outside⁵.

[10] The account given by Jockey Cartwright was that she had got "a little bit of pressure" and said that she felt she was one-off and stayed one-off and only later on in the race did she go to the fence. She did say that she probably got "carried in a little"⁶. She said the incident happened quite quickly and suggested that the corner may have had some role in the incident⁷.

[11] Jockey Cartwright said elsewhere that she has been "carried in"⁸, but in general Jockey Cartwright's account, as we read it, is not an entirely clear one.

[12] The Applicant's account was largely consistent with what he has provided in his Outline of Submissions. In defence of the charge, he gave the following explanation⁹:

I believe I have put a little bit of pressure on Ms Cartwright to my inside. But I don't believe that she's ever gone in closer to one off the fence as she stayed outside the horse Number Three in the black with the blue band on her [Jockey Richardson's horse Belle's Boy]. I also feel at the same point that going past the winning post, or just prior to the winning post, you can see the horse on the running rail in the red cap. Obviously, we're catching up to the horse in front of her and I think that it was a victim of circumstances that she's - the horse in front of her hasn't taken her into the race and she's rushed up onto [heels as well] and she's had to take evasive action.

² Transcript of Stewards' Inquiry lines 5-12

³ Ibid lines 21-26

⁴ Ibid

⁵ Ibid lines 147-152

⁶ Ibid line 52

⁷ Ibid lines 53-55

⁸ Ibid line 117

⁹ Ibid lines 197-207

- [13] It is necessary that this Panel should form its own view of the circumstances of this race. We have viewed the relevant race footage on numerous occasions, and we have regard to the evidence to which we have just referred.
- [14] It is our assessment of the relevant part of the race that Jockey Richardson's mount Bells Boy, located to the front of jockey Kennedy, begins to ease. There are two horses to the outside of Jockey Richardson, those being Above The Sky (Jockey Cartwright) and the Applicant's mount Passionate Rebel. They are slightly ahead of Jockey Kennedy.
- [15] Jockey Cartwright and the Applicant appear to go forward as Belle's Boy eases. It is the Panel's assessment that there is now insufficient room for Jockey Kennedy to improve between Jockey Richardson and Jockey Cartwright. As a consequence, Kennedy takes hold and start to check.
- [16] This interpretation of the race is consistent with the account which the Applicant maintained throughout at the Stewards' Inquiry.
- [17] We acknowledge that it is not totally in accordance with the evidence given by Jockey Kennedy, but neither do we consider Jockey Kennedy's account to be consistent with the footage which we have viewed on numerous occasions.
- [18] The Applicant, in our view, has maintained a tight three-wide line at all relevant times. As Mr Daley submits, this is one of those cases that involves that fine line between competitive riding and careless riding.
- [19] We are mindful of the obligations of proof in matters such as this. The consequences of a suspension for the Applicant are significant and we need to be comfortably satisfied that the relevant line has been crossed and the charged established.
- [20] We are not satisfied to the requisite standard that that any movement by the Applicant had a bearing on the checking, which is evident in the race footage.
- [21] I repeat, there is sometimes a fine line involved in these matters, and we acknowledge that experience and judgment play a role. Even two experienced and reasonable judges of racing, including those with race riding experience, might respectfully disagree over whether a ride is in breach of the rule or, the carelessness should be graded as low or medium range¹⁰
- [22] We do acknowledge the experience of the Stewards involved in this matter, and we have no criticism to make of them in this regard but, given the exigencies of proof involved, we cannot be satisfied to the requisite standard that the fine line, as it is called, has been crossed.
- [23] In accordance with section 252AH(1)(c) of the Racing Integrity Act 2016, the order of the Panel is that the Stewards' decision is set aside and a finding of not guilty is entered.

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¹⁰ See *Rawiller v Racing New South Wales* unreported New South Wales Racing Appeal Panel 1 April 2021 at [6]