Queensland
Racing Disciplinary Board

Appeal decision

Hearing date:	22 January 2016
Decision date:	22 January 2016
Code of racing:	Thoroughbred

Appeal panel:	Mr P James (Chair) and Mr D Kays
Appearances:	Mr M Tutt, Solicitor appeared on behalf of Apprentice Jockey Rhiannon Payne Mr C Albrecht, Stipendiary Steward appeared on behalf of Racing Queensland
Decision being appealed:	Suspension of licence to ride in races for a period of four weeks – AR135(b)
Appeal result:	Upheld

This is an appeal to the Racing Disciplinary Board in respect of a decision by Racing Queensland Stewards to suspend the riding licence of Rhiannon Payne for four weeks for an alleged breach of AR135(b) which reads as follows:

> *"…the rider of every horse shall take all reasonable and permissible measures throughout the race to ensure that his horse is given full opportunity to win or obtain the best possible place in the field."*

The specifics of the charge were that in Race four at the Toowoomba Turf Club on 21 November 2015 the Queensland Electrical Solutions Maiden Handicap over 1,050 metres, that Apprentice Payne, the rider of Kick of Thunder:

a. From entering a point near the home straight and after leaving the 200 metres, you failed to ride – or you failed to improve your position on Kick of Thunder when there was sufficient racing room when it was both reasonable and permissible for you to so do.
b. Approaching the final 100 metres of the event, after a run presented between Current Figures – Apprentice Attard – and Melody O'Brien, the rider of Lemesee, you failed to ride with sufficient vigor to improve the position of Kick of Thunder when it was both reasonable and permissible for you to do so.

This Board has read the transcript and viewed the film on a number of occasions at this appeal. The Board also had an outline of submissions on behalf of the Appellant which was presented by Mr M Tutt, Solicitor, and also received representations on behalf of the stewards by Mr C Albrecht.

This board is satisfied that, as proffered by the stewards, there were occasions in the straight when a rider should have ridden with some aggression or more aggression, given that opportunities were available, however that did not occur.

Footage of the relevant parts of the race and the steward's report confirms that Miss Payne's mount received a severe bump soon after the start, and after that had a tendency to hang out, and as a result of further interference in the race, a consequence of which was the considerable unexpected movement of the runners ahead, Miss Payne's progress was hampered although only marginally.

Her evidence throughout the enquiry was that her mount was timid, and had a tendency to shy and was reluctant to race near other horses after receiving the initial bump.

Unlike submissions on behalf of Miss Payne that she was an Apprentice and allowance for that was paramount, quite rightly, the stewards submitted that, although an appreciate, Miss Payne has had hundreds of race rides, winning approximately 80, and as such a considerable level of her usual judgment and aggression was to be expected.

The intention of this rule is not designed to punish a rider for making a mistake or errors of judgment unless the rider's conduct is deemed culpable, in the sense that, objectively judged it is found to be blameworthy. It is also not designed to punish a poor ride.

The test for the Board is to be comfortably satisfied that the charge can be sustained in accordance with the many citations surrounding this rule which are summed up in the case of D Browne v Racing Queensland which this Board determined on 18 March 2014.

In this matter, by the barest of margins, the Board is not comfortably satisfied that the charge can be sustained and we therefore uphold the appeal.

In view of the Appellant being involved in two matters relevant to this rule in a short space of time, this Board feels that she should be counselled to examine her riding capabilities with the understanding that severe penalties are not uncommon for rides that can be confirmed as contrary to the rule.