

DECISION

Racing Integrity Act 2016, sections 252AH, 252BM

Review application number	RAP-147	
Name	Cejay Graham	
Panel	Ms D Condon (Chairperson) Mr E Wilkinson (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-011508	
Appearances & Representation	Applicant	N Taylor instructed by Suthers Taylor
	Respondent	J Adams instructed by Queensland Racing Integrity Commission
Hearing Date	13 May 2025	
Decision Date	13 May 2025	
Decision <i>(delivered ex tempore)</i>	Pursuant to 252AH(1)(a) the Racing Decision is Confirmed	
Case References	<i>Briginshaw v Briginshaw & Anor</i> 1938 60 CLR 336	

Reasons for Decision

- [1] On 3 May 2025 the Applicant, Jockey Cejay Graham was found guilty by Stewards of an offence of careless riding contrary to Australian Rule of Racing 131(a) following the running of Race 9 at Eagle Farm.
- [2] Jockey Graham's license was suspended for a period of ten days with the penalty ¹commencing at midnight on 11 May 2025 and ending at midnight on 20 May 2025.
- [3] Pursuant to section 252AB of the Racing Integrity Act 2016 (The Act) the Applicant now seeks a review of that decision by way of application made on 6 May 2025.
- [4] The Applicant had been the rider of the horse PIERATA'S GEM in Race 9. The charge alleged as follows:

"Jockey C. Graham rider of PIERATA'S GEM was found guilty of a charge of careless riding pursuant to AR 131(a) in that she allowed her mount to shift in when insufficiently clear of FINGERS HUNTER and as a result FINGERS HUNTER lost its rightful running and had to be steadied from heels".
- [5] The Applicant pleaded not guilty to the charge and is seeking this review.
- [6] The Applicant asserts that she did not breach the rule of racing and that she is not guilty of the charge². She further states³:

"I plead not guilty to the charge as I felt I was not the sole contributor to the interference suffered by Fingers Hunter. Fingers Hunter hung out prior to the incident ridden by Damian Thornton, and he stated his horse's manners contributed to the incident by being wayward.

On the Stewards' footage from 4.24 to 4.38 it can be clearly seen that Fingers Hunter (D Thornton) is hanging out and causing Jockey Thornton difficulty. At this time, I am following Emily Lang on Maragical, and she shift from the fence to one off where I was planning to go, at this point Angela Jones on Socrazyinlove shifts in closing the gap on me. As my mount is surging and that gap closes, I need to shift to the inside of Jockey Lang where I felt it was more than safe to do so and at this point this is when Jockey Thornton manages to control Fingers Hunter to stop from hanging and goes in a straight line.

At no point did Jockey Thornton check, he merely has to steady his mount for a stride and therefore I believe this matter should be classed as a racing incident and if anything, it is only worthy of a reprimand from stewards. Also, on the Stewards' footage from 5.26 to 5.34 it can clearly be established that my riding is dictated to by shifts from Jockeys Lang and Jones."

- [7] 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.
- [8] The degree of carelessness was assessed as falling within the low range with category 2 consequences of checked and/or lost rightful running. This attracted a 10-day suspension of licence.

¹ PN-011508

² Application for Review lodged 6 May 2025

³ Application for Review Attachment

[9] 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 in full as if forms part of the material, but we will refer to some aspects of it.

[10] Jockey Thornton on FINGERS HUNTER stated to the Stewards⁴:

"Approaching about the 300, roughly, I came to run inside of Cejay. I was up to within three quarters of her, just inside her hindquarters and made my run at that time and her horse has shifted in, obviously looking for the lane where I was, but I had already cut inside [Tony Gollan's] horse. I'm about to take hold and she's gone there and taken my run in and then therefore cost me all my momentum and cost me a couple of lengths and been held up."

[11] Later in the inquiry Jockey Thornton said his horse was about a length from the applicant's and that his mount was hanging out. He said there was probably still a bit of room there but agreed with the stewards that she has encroached into his line a little bit⁵.

[12] Before the Stewards the Applicant explained her actions in the race as follows⁶:

"I think at the point of the interference I was always travelling better than Damien Thornton's mount. I don't believe he ever fully established the run underneath me and arguably so even if he had, as I've allowed my mount to shift in underneath Maragical, I think it was, he still had room to improve with me underneath Maragical. I believe there was still room for us to run as I do consider that as we go further down the track, that run ends up not being there."

But I feel as though I've beat him to the run. There was still room for him there and he has made a decision to come to the outside of my runner because I beat him to the run."

[13] She further explained that she did look and was aware that Jockey Thornton was there, and that she didn't feel that she fully crossed into rightful running until she was forward of him, adding that he was hanging didn't help. The Applicant added that she definitely put Jockey Thornton in an awkward spot and placed a bit of pressure on him but still believed there was room for both runners at the point in time⁷.

[14] The Applicant added that she definitely put Damien in an awkward spot and placed a bit of pressure on him but still believed there was room for both runners at the point in time.

[15] The Stewards ultimately considered that at the 300-metre mark, Jockey Thornton on FINGERS HUNTER established a run on the rail to the inside of the Applicant, at which point she improved her mount into that position, allowing her mount to shift in to improve into a run where there was insufficient room to do so. They considered it was at that point that Jockey Thornton, who was hanging in, had to take

⁴ Transcript of Stewards' Inquiry, lines 30-36

⁵ Not recorded on the Transcript – separate audio provided by the Respondent on 12 May 2025 regarding part of the inquiry proceeding after line 89 on the Transcript

⁶ Transcript, lines 46-54

⁷ Not recorded on the Transcript – separate audio provided by the Respondent on 12 May 2025 regarding part of the inquiry proceeding after line 89 on the Transcript

action and come back. He then was able to obtain clear running out to a point inside the 100-metre mark where he took ground off the Applicant⁸.

- [16] Having found the Applicant guilty of the charge of careless riding, Stewards then imposed the penalty referred to above.
- [17] 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 by the solicitor on the Applicant's behalf⁹ and those of the Respondent¹⁰, and we have taken those matters into consideration.
- [18] The object of the careless riding rule is grounded in the requirement for safety¹¹. It is designed to provide safe and fair racing for both horses and for jockeys. It is the obligation of jockeys to at all times make every effort to have their horses under control and that they do not interfere with the rightful running of other competitors in the race.
- [19] It is apparent to the Panel that Jockey Lang riding SOCRAZYINLOVE was improving to the inside of the leaders Jockey Bayliss on MOSCOW CIRCUS and Jockey Williams on SNACK BAR. Jockey Jones on MARIGICAL, after attempting to ride out around the leaders, then shifts back in to where the Applicant is improving between herself and Jockey Lang. With a shift in from Jockey Jones, the Applicant then shifts to the inside of Jockey Lang.
- [20] The Panel considers that at this point the Applicant has a quick look back to her inside where Jockey Thornton riding FINGERS HUNTER has improved to within a length back to her inside. At this juncture we consider that the Applicant was insufficiently clear causing Jockey Thornton to steer in and away to avoid the Applicant's heels and ease out of that run. His mount laying out (or 'hanging in' as described by the Applicant) does not help matters, however Jockey Thornton was entitled to continue making his run on the line he was on.
- [21] We consider in this case that there was interference, and the level of carelessness involved was properly assessed at the low range with Jockey Thornton on FINGERS HUNTER accordingly losing his rightful running.
- [22] It follows for these reasons that the Panel is reasonably satisfied¹² the Applicant's conduct did amount to careless riding as charged.
- [23] The penalty imposed is in accordance with the careless riding template, and we see no reason to interfere in that regard. We have regard to the Applicant's significant recent history of careless riding breaches in the past 12 months, including three suspensions, eight severe reprimands and six reprimands.
- [24] In accordance with section 252AH(1)(a) of the *Racing Integrity Act 2016*, the order of the Panel is that the racing decision the subject of this Application is confirmed

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⁸ Ibid lines 74-79, 169-175

⁹ Applicant Submissions filed 12 May 2025

¹⁰ Respondent Submissions filed 12 May 2025

¹¹ Applicant's Submission at paragraph 7

¹² *Briginshaw v Briginshaw* (1938) 60 CLR 366

