

DECISION

Racing Integrity Act 2016, sections 252AH, 252BM

Review application number	RAP-146	
Name	Jordan Topping	
Panel	Ms D Condon (Chairperson)	
	Ms L Hicks (Panel Member)	
	Dr M Brooks (Panel Member)	
Code	Harness	
Rule	Australian Harness Racing Rules AHR149(2)	
	<i>A person shall not drive in a manner which in the opinion of the Stewards is unacceptable.</i>	
Penalty Notice number	PN-011420	
Appearances & Representation	Applicant	Self represented
	Respondent	N Torpey - Queensland Racing Integrity Commission
Hearing Date	24 April 2025	
Decision Date	28 April 2025	
Decision	Pursuant to 252AH(1)(a) the Racing Decision is Confirmed	

Case References

RAP-78 *Garrard* (31 January 2023)
RAP-97 *Bevan* (1 July 2024)
Mifsud v Racing Victoria Stewards [2007] VRAT 6
McMullen v Queensland Racing and Integrity Commission [2012] QCAT 286;
Dixon v Queensland Racing Integrity Commission [2018] QCAT 183;
Elkins v The Queensland Racing Integrity Commission [2021] QCAT 161;
McMullen v The Queensland Racing Integrity Commission [2021] QCAT 202;
Ison v Harness Racing NSW, Unreported, NSW Harness Racing Appeals Panel, 6 September 2023;
Turnvell v Harness Racing NSW, Unreported, Harness Racing Appeals Panel 1 April 2016
McMullen v Racing Queensland Limited [2012] QCAT 286
Briginshaw v Briginshaw & Anor 1938 60 CLR 336
Australia Building Construction Commissioner v Pattinson [2022] 96 ALJR 426 per Kiefel CJ. Gageler, Keane, Gordon, Steward and Gleeson JJ

Reasons for Decision

- [1] On 13 April 2025 the Applicant, Ms Jordan Topping was the driver of Altana Blue in the Harness race meeting at Marburg, Race 5. Ms Topping is a licenced harness racing driver and trainer.
- [2] Following the race, the Applicant was found guilty by Queensland Racing Integrity Commission Stewards of an offence contrary to Australian Harness Racing Rule (AHRR) 149(2).
- [3] The Applicant's driver's license was suspended for a period of four weeks with the penalty commencing on 14 April 2025 and ending on 11 May 2025.¹
- [4] Pursuant to section 252AB of the *Racing Integrity Act 2016 (The Act)* the Applicant now seeks a review of that decision, by way of an application filed on 14 April 2025.
- [5] The four week suspension is stayed pursuant to section 252AT(3) of the Act.
- [6] AHRR 149 relevantly provides:

149. Race to win or for best position

(2) A person shall not drive in a manner which in the opinion of the Stewards is unacceptable.

(3) A person who fails to comply with sub-rule (1) or (2) is guilty of offence.

- [7] The charge was alleged as follows:

*"Drove Altana Blue in an unacceptable manner whilst racing outside the leader withstood the challenge of Scrubby in the early stages and then again applied pressure in the middle stages of the race, before yielding ground to be beaten 38m."*²

- [8] The Applicant pleaded not guilty to the charge and is seeking this review. She asserts in her application that she did not breach the rule of racing and:³

"unsupported view held by the stewards on multiple parts of the race I do not believe that my tactics were unreasonable or unacceptable and as such I do not believe I should have been charged under this rule."

- [9] The Applicant further states in support of her application:⁴

"Racing into the first turn, I withstood a challenge for the position outside the leader from Scrubby. I believe I made my intention clear at this point of the race, yet the challenge from Scrubby continued needlessly for approximately another 500m when there was ample room for Scrubby to take a trail on my horse at any point.

Stewards alleged that after this challenge ceased, I again urged Altana Blue forward and pressured the leader in the front straight to the detriment of my horse, this however is not supported by the video showing I only began to urge my horse again half way around the turn

¹ PN-011420

² Ibid

³ Application for Review lodged 14 April 2025

⁴ Application for Review Attachment letter lodged 14 April 2025

into the back straight when runners following me began to make their moves wider on the track, to which my horse responded, holding 4th position until well into the home straight, despite stewards alleging my horse was no longer in contention. Given the 31.6 second quarter and 30.8 third quarter, equating to a 62.4 middle half the stewards contention that I continued to pressure the leader cannot be considered a reasonable assertion.

Given the form analysis of both horses that I have also provided and the unsupported view held by the stewards on multiple parts of the race I do not believe that my tactics were unreasonable or unacceptable and as such I do not believe I should have been charged under this rule."

Stewards' Inquiry

[10] The Stewards' Inquiry involved taking evidence from the Applicant as well as viewing the race footage. We do not intend to set that evidence out in full, but we will refer to some aspects of it.

[11] Before the Stewards' Inquiry, the Applicant stated that her race instructions were to drive Altana Blue 'tough'.⁵

[12] When questioned about holding out the challenge of Scrubby for a protracted period racing one outside the leader, the Applicant stated:⁶

"Like I said, Altana Blue probably races his best - like he's getting to an age now where he's one-paced. We think he's best suited setting up on the speed as opposed to having a [trail] as we don't think he travels best with a trail. Hence why we also didn't elect to hand up."

[13] The Applicant also referred to the action of Danielle McMullen (the driver of Scrubby) to the outside of her, in pressing forward on the Applicant. She questioned why McMullen did not elect to drop back earlier than she did, whilst the Applicant was holding.⁷

[14] In relation to the Stewards concern that further into middle of the race, the Applicant applied pressure to the leader (Estival) resulting in Altana Blue ultimately yielding, the transcript records the following:⁸

Wayne Barr:

"..the pressure in the middle stages of the event to him - to Mr Watson, and that it appeared as though you were flicking the rein for your horse approaching the turn into the back straight for the last lap, and then he was under the whip down the back straight as well, and then has yielded 38 metres on the winner at the winning post." ...

Jordan Topping:

⁵ Transcript of Stewards' Inquiry 13 April 2025, line 47

⁶ Ibid, lines 59-61

⁷ Ibid, lines 106-112

⁸ Ibid, lines 129-142

"Yeah, well, like I stated earlier, he's a one-paced horse and the three wide line chain started to come at that stage, so I needed to keep him moving at that stage, and probably if I hadn't he would have got beaten a larger margin.

But I do think he is better driven without cover as well because he's not a horse to come [unclear]. Like I said before, he's one-paced, he hasn't got any strength, so he's better off being under speed."

- [15] The Stewards further questioned the Applicant as to why the last 800 metres of the race was run so quickly and why Altana Blue had yielded ground significantly, going from within a length of the leader to being beaten by 38 metres. The Applicant reiterated it was because Altana Blue is one pacer and stating *"Yeah, so that's basically gone to a sprint for him and he's a one-paced"*.⁹
- [16] The Applicant denied that she was overly applying pressure to the leader at that stage of the race.¹⁰
- [17] In finding the Applicant guilty of the charge the Stewards described her conduct as follows:¹¹
- "As the driver of Altana Blue today, the stewards deem it unacceptable that you held out firstly the runner, Scrubby, for a sustained period of time, applied the whip to it on numerous occasions to hold Scrubby wider, before maintaining the death seat and also, again, from the turn out of the back straight and down the front straight with a lap to go applied undue pressure to the leader [unclear] at that point of the race when there was no need to do so."*
- [18] The Stewards assessment of the Applicant's driving is further recorded in their Raceday report:¹²
- "... for an unacceptable drive in that she applied pressure in the lead time of 16.2 seconds and the first quarter of a quick 28.1 seconds repelling a charge from Scrubby (Danielle McMullen) in the front straight with a lap remaining urging her horse forward unduly. Altana Blue yielded ground in the final lap to be beaten in excess of 38 metres."*
- [19] Having found the Applicant guilty of the charge, Stewards then imposed the four-week licence suspension referred to above.
- [20] Arising from the same race, the Applicant pleaded guilty to a whip charge under AHRR 156(3), relating to using a whip in an unapproved manner. She was suspended for two weeks commencing midnight 13 April 2025.¹³
- [21] Whilst that charge and related suspension is not subject of this review, it is relevant to note the suspension for breach of AHRR 149(2) was ordered by the Stewards to be served concurrently with the suspension for the breach of AHRR 156(3).¹⁴

⁹ Ibid, lines 168-184

¹⁰ Ibid, line 200

¹¹ Ibid, lines 251-257

¹² Race Results – Marburg - Race 5 (QRIC document 15)

¹³ Transcript of Stewards' Inquiry, lines 6-34

¹⁴ Ibid, lines 287-293

Evidence and Submissions before the Panel

Applicant

- [22] Before the Panel the Applicant confirmed that Altana Blue races best in the chair position (one outside the leader) and to the breeze. In support, she relies on a letter of Oliver Cownie,¹⁵ who cites he is a professional form analyst and punter. This letter outlines that Altana Blue has an established racing pattern to race in a forward position without cover, doing so with a great deal of competitiveness. His letter refers that this is highlighted by Altana Blue having finished top three in 50% of his starts when racing in this position.
- [23] In addressing her holding out the challenge of Scrubby for a substantial period in the earlier part of the race, the Applicant ascribes blame to Ms McMullen driving Scrubby by continuing her challenge needlessly for *"approximately another 500 m when there was ample room for Scrubby to take a trail on my horse"*.¹⁶
- [24] In response to whether it was open to her to ease Altana Blue and let Scrubby progress, the Applicant stated to the Panel that she drove tough into the first corner and half-way through the corner, she started to back off down the straight. She stated at that point Scrubby was racing to her girth and not progressing or making more ground. The Applicant later referred that had Scrubby been the better of the two horses, then she would have yielded. She emphasised however that Altana Blue was the better horse and that this race was a drop down in grade for him.
- [25] Concerning the later stages of the race where Stewards allege she unduly pressured the leader in her driving of Altana Blue, the Applicant's submission to the Panel was:
- (a) the race footage did not show clear evidence that she started flicking Altana Blue back up in approach to the back straight for the last lap;
 - (b) she did not increase tempo but moved close to the leader as the pace had eased;
 - (c) she did not add pressure to the leader;
 - (d) she only urged Altana Blue forward at the second corner, after the three wide line commenced behind her; and
 - (e) Altana Blue was still in contention at that stage, running fourth and only got beaten marginally.

Respondent

- [26] The Respondent informed the Panel the Stewards on the day also took exception to the driving tactics of Ms McMullen driving Scrubby, in that she applied continuous pressure to Altana Blue in

¹⁵ undated

¹⁶ Application for Review Attachment letter

the early stages of the race. Ms McMullen received a three-week suspension on a plea of guilty to a charge under AHRR 149(2) arising from her driving in the race.¹⁷

- [27] Mr Torpey for the Respondent submitted however that did not absolve the Applicant from culpability for a breach of Rule 149(2) in respect of her conduct in responding to the challenge of Scrubby. In addressing the footage of that portion of the race, he indicated the Applicant could have trailed Scrubby; and instead of holding the whip, she used it 13 times on Altana Blue which was detrimental to the horse over the final stages. Mr Torpey highlighted that urging Altana Blue forward, even after Scrubby was dropping off, lasted for about 900 metres – half the race distance.
- [28] In addressing the Applicant's conduct in again urging Altana Blue forward on the back straight placing pressure on the leader, Mr Torpey commented whilst viewing the race footage that this effort, with half a lap to go, resulted in her horse having run its race and yielding ground quickly.
- [29] The Respondent challenged the Applicant's contention that Altana Blue typically races best in the chair and not trailing, outlining that in her last 10 starts (since 18 December 2024) the horse only raced outside the leader on one occasion. Mr Torpey also referred Altana Blue's race at Marburg since (on 20 April 2025) over the same distance where she won driven from a set.
- [30] In raising the drives of Altana Blue particularly in the latter stages of recent races, Mr Torpey submitted to the Panel that this added to the unacceptable nature of the Applicant's drive on 13 April in the Stewards' opinion. Particularly when viewed in the context of her considerable experience as an A Grade driver with 1400 drives, he contends that she did not drive to the expected standard.
- [31] The Respondent submitted that the Steward's assessment of the Applicant's racing tactics was directed to her obligation under the Rule to race to win or for best position; and that in doing so, irrespective of her driving instructions, it was necessary for her to adapt to the many variables as the race unfolded.¹⁸ Mr Torpey submitted that the Applicant was culpable in her deliberate action to extend Altana Blue for that period of time and that her actions could not be characterised as a one-off.

Australian Harness Rule 149(2)

- [32] AHRR 149(2) has been considered in detail by this Panel in *Gerrard* (RAP-78)¹⁹ and *Bevan* (RAP-97),²⁰ endorsing the relevant test to be applied as articulated in *Mifsud v Racing Victoria Stewards*.²¹

¹⁷ Rule 149 Previous Penalty Record dated 15 April 2025 (QRIC document 18)

¹⁸ Respondent's Outline of Submissions (23 April 2025) at paragraph 17; see also Transcript, line 80

¹⁹ RAP-78 *Garrard* (31 January 2023) at [15]-[20]

²⁰ RAP-97 *Bevan* (1 July 2024) at [21]-[25]

²¹ *Mifsud v Racing Victoria Stewards* [2007] VRAT 6

- [33] Without restating in full the relevant passages,²² the test in *Mifsud* (citing the previous decision in 1983 by Judge Goran in a case of Honan) discloses key considerations relevant to a finding of breach of AHRR 149(2) in that:
- (a) the Rule does not seek to punish a mere error of judgement during the race on the part of the driver; and
 - (b) the driver's conduct must be culpable in the sense that, objectively judged, it is found to be blameworthy.
- [34] As noted by this Panel in the referenced cases, the observations of Judge Williams endorsing Judge Goran have been expressed with approval in a number of decisions in Queensland and elsewhere.²³
- [35] This Panel has also noted with approval the approach to the application of the Rule as outlined in *McMullen v Racing Queensland Limited*.²⁴ The Queensland Civil and Administrative Appeals Tribunal there, in considering the "opinion of stewards" as constituting an element of the charge, highlights the importance of objectivity in the assessment.²⁵
- [36] As it has been previously stated AHRR 149(2) is focused expressly upon the "manner" of driving. It is not the result or consequence of the driving which itself creates the offence. There can be no offence unless the "manner" of the driving is shown to be unacceptable.²⁶

Discussion on Culpability

- [37] It is accepted that the onus of proof in a matter such as this lies with the Respondent, and that the appropriate standard of proof is that enunciated in cases such as *Briginshaw*.²⁷
- [38] The Panel has had the opportunity to consider the whole of the evidence placed before the Stewards, and to view the race footage from multiple angles. We have had regard to the arguments that have been advanced by the Applicant and Respondent and we have taken those matters into consideration.
- [39] Notwithstanding that this is a case which involves an assessment of the opinions of Stewards, it is accepted that this Panel must form its own objective view of the driving in question.
- [40] In view of the race footage, relevant observations of the race as it unfolded are as follows.

²² Extracted in RAP-78 at [17] and RAP-97 at [24], also in the Respondent's Outline of Submissions (23 April 2025) at paragraph 15

²³ *McMullen v Queensland Racing and Integrity Commission* [2012] QCAT 286; *Dixon v Queensland Racing Integrity Commission* [2018] QCAT 183; *Elkins v The Queensland Racing Integrity Commission* [2021] QCAT 161; *McMullen v The Queensland Racing Integrity Commission* [2021] QCAT 202; *Ison v Harness Racing NSW*, Unreported, NSW Harness Racing Appeals Panel, 6 September 2023; *Turnvell v Harness Racing NSW*, Unreported, Harness Racing Appeals Panel 1 April 2016

²⁴ *McMullen v Racing Queensland Limited* [2012] QCAT 286

²⁵ *Ibid* at [13]-[14]

²⁶ RAP-78 at [20], RAP-97 *Bevan* at [25]

²⁷ *Briginshaw v Briginshaw & Anor* 1938 60 CLR 336

- [41] Altana Blue having drawn the starting front row number two position was placed outside Estival. When the race commenced the Applicant appears to urge her horse forward to maintain a position one off the pegs without cover. Shortly after, Scrubby, starting from a wider position, improves quickly to a three wide position outside Altana Blue, advancing three quarters of a horse in advance. The Applicant then appears to attempt repel this challenge by urging her horse with both the whip and reigns to hold out Scrubby from obtaining position in front of her mount.²⁸
- [42] The continuous challenge by Ms McMullen driving Scrubby was sustained for some distance resulting in the Applicant not conceding her forward position and pulling away from the remaining runners. Ms McMullen then elects to restrain Scrubby and obtain a position behind Altana Blue. This resulted in what the Stewards described as a very quick first quarter.²⁹
- [43] Leaving the straight on the final lap the Applicant again appears to urge Altana Blue along using both whip and reigns and this pressure applied to Altana Blue is continued for some distance until Altana Blue appears to yield ground, around 500 metres before the end of the race.³⁰
- [44] With respect to the first phase of the race, where the Applicant was maintaining position outside the leader withholding the persistent challenge of Scrubby, it is clear these two drivers were setting a fast pace from two and three wide.
- [45] Considering the evidence including the race footage, the Panel considers that during this phase the Applicant's:
- (a) continued action of whipping and holding the reigns; and
 - (b) failure to give Altana Blue respite, by easing off the whip and reigns and/or by failing to fall back behind the leaders
- are deliberate and blameworthy decisions, resulting in Altana Blue becoming expended. The Panel accepts the Respondent's submission that this took place for a considerable portion of the race, causing detriment to Altana Blue's chances of winning.
- [46] Notwithstanding her race plan to ride tough and to the breeze, and the sustained challenge of Scrubby, it was incumbent on the Applicant to drive the horse appropriately and to react to the circumstances and challenges of the race as it unfolded, with a view to winning or obtaining the best finishing position. The Panel considers the Applicant failed to do so and, in the respects outlined, her conduct is culpable.
- [47] As such in the Panel's view the charge is made out here, the Applicant's conduct amounting to driving in an unacceptable manner.
- [48] This is compounded in the Panel's view by the Applicant's conduct in the later stages of the race. Having eased off, the Applicant denies later applying pressure to the leader. It is difficult for the Panel to accept however, as the Applicant contends, that the challenge coming from the three-wide line justified her actions in pressing her mount forward, by whip and reigns, at this juncture

²⁸ Race footage, Murgon Race 5, 13 April 2025, Camera 1, approximately between 02:15 and 03:10

²⁹ Ibid, approximately between 03:10 and 03:20

³⁰ Ibid, approximately between 03:38 and 04:43

of the race. On view of the race footage, this assessment has regard to the distance of these three runners behind her and that their positioning was unlikely something that the Applicant acted conscious of, if indeed she was aware at all.

- [49] The Panel considers that the Applicant placed undue pressure on the leader for some distance here which caused Altana Blue to further be expended, before falling away quickly to finish in seventh place. In light of the earlier prolonged surge, it is no surprise that this 14 year-old mare was expended before the race's end.
- [50] The Applicant's actions in the race across the two incidents and particularly when viewed as a whole, can in no way be objectively seen as mere errors of judgement. They demonstrate blameworthiness by way of sustained periods of pushing Altana Blue forward where the circumstances of the race were such that an experienced rider such as the Applicant, should have taken other actions to preserve the horse's ability to obtain the best finishing position, such as those suggested by the Stewards. We consider the pressure applied to Altana Blue through significant periods of the race had a considerable detrimental effect in expending the horse and consequently on her finishing efforts.
- [51] It follows from those findings that the Panel is satisfied to the *Briginshaw* standard that the Applicant's manner of riding was unacceptable such as to amount to a breach of AHRR 149(2) and accordingly the Applicant is guilty of the charge.

Penalty

- [52] This Panel in *Bevan* (RAP-97)³¹ sets out in detail relevant provisions of the Respondent's Harness Racing Penalty Guidelines,³² which find application in considering penalty in this matter.
- [53] Clause 4 of the Penalty Guidelines confirms that Schedule 1 prescribes the penalty starting points for certain offences committed against the AHRR. The starting point for a breach of AHRR 149(2) under the Guidelines is a four-week suspension. This was the penalty imposed by the Stewards.
- [54] Consistent with Clause 5 of the Penalty Guideline, the Respondent submits the Panel is not constrained by the starting point being a guide only, and that each case must be assessed on its individual merits.³³
- [55] In considering matters of penalty, the Guideline contemplates consideration of the circumstances of the offence including any mitigating or contributing factors.³⁴ These are set out to include the degree of culpability (including from a general and specific deterrence point of view), an early guilty plea, frequency of participation in racing, the Applicant's offence record and race status.
- [56] It is well established before this Panel³⁵ the relevant sentencing principles for civil penalties are laid out in majority decision of the High Court in *Australia Building Construction Commissioner v*

³¹ RAP-97 *Bevan* at [75]-[79]

³² QRIC Harness Racing Penalty Guidelines 2023

³³ Respondent's Outline of Submissions at paragraph 21

³⁴ Penalty Guidelines, under the heading of 'B1.1 Penalty Considerations'

³⁵ Such as in RAP-97 *Bevan* at [74] and RAP-131 *Hatch* (6 March 2025) at [53]

Pattinson,³⁶ as being confined to the encouragement of compliance i.e. specific and general deterrence, rather than notions of retribution, punishment and rehabilitation.

- [57] The Respondent contends the four-week suspension imposed by the Stewards for a breach of AHRR 149(2) is an appropriate penalty in this case, having regard to the objective circumstances of the breach and the subjective circumstances of the Applicant.³⁷ The Respondent relies on:
- (a) The object of the Rule in the industry context – *“the unacceptable driving rule is important for on-course integrity. Racing integrity is subject to public scrutiny during an actual race. The rule is designed to protect and uphold the integrity of the harness racing industry. Harness racing is a sport that relies upon wagering. Maintaining the integrity and confidence within the harness racing industry is paramount to ensure the wagering public and participants can bet with confidence and obtain a fair run for their investment.”*³⁸
 - (b) The nature of the Rule itself and seriousness of a breach thereof – *“...that a starting point of a four-week suspension promotes compliance through general and specific deterrence to promote the public interest in compliance. Such conduct during the course of a race must be the subject of a penalty that deters others from taking decisions during the course of a race that cannot be supported by the circumstances that arise or the ability of the horse. It is the Respondent’s submission that a four-week suspension appropriately marks the seriousness of the offence and sends a message to other drivers that instructions and tactics are one thing, but they have to yield to the particular circumstances of the race. It is incumbent on drivers to make decisions in the best interests of the horse they are driving and with the view to obtaining the best possible place.”*³⁹
- [58] The Respondent has provided a schedule of comparative penalties for breaches of Rule 149.⁴⁰ It should be noted that this document contains a record of penalties imposed for other breaches of that Rule since 2020; and contains no factual information regarding the circumstances of the breaches outlined therein. With those limitations in mind, breaches of AHRR 149(2) are typically recorded in the schedule as incurring four or three-week licence suspensions.
- [59] This is with the exception of two recent breaches of Rule 149(2) which incurred eight-week and 56-day suspensions, respectively (John Stariha, 19 October 2024). It should be noted that the schedule records eight previous breaches of Rule 149 in respect of driver Stariha. As distinguishable, the Panel accordingly does not consider these comparative penalties provide guidance in the present case.
- [60] It is noteworthy that driver McMullen’s suspension of three weeks under AHRR 149(2) arising from the circumstances of this race on 13 April 2025 followed a guilty plea. It is further understood from the Respondent’s oral submissions, that a discount from the starting point was

³⁶ *Australia Building Construction Commissioner v Pattinson* [2022] 96 ALJR 426 per Kiefel CJ, Gageler, Keane, Gordon, Steward and Gleeson JJ. at paragraphs [9], [10], [14], [15], [38], [39] and [42]

³⁷ Respondent’s Outline at paragraph 22

³⁸ *Ibid* at paragraph 23

³⁹ *Ibid* at paragraph 24

⁴⁰ Rule 149 Previous Penalty Record

afforded by the Stewards to Ms McMullen on this basis. It is moot the Applicant did not receive the benefit of any such discount for the same charge.

- [61] The Applicant made no submissions in relation to penalty to either the Stewards or before the Panel. The Panel has regard to the Applicant's relatively good driving record, with a number of minor infringements but no previous breaches of AHRR 149.⁴¹ This record is viewed against her considerable experience, as an A Grade driver and frequent participant in harness racing, with 1400 rides to her name.
- [62] It has been noted above that the Applicant's failures in respect of this present breach are related to her falling below the standard expected of a driver of her experience. In that sense the Panel considers this somewhat an aggravating feature in considerations of her culpability when determining penalty, and accordingly specific deterrence is of prevalence as to any penalty ultimately imposed. As connected, it is relevant that the Applicant was charged (and has been found to be in breach by this Panel) in relation to more than one aspect of her driving of Altana Blue during the course of the race, as is discussed in detail above.
- [63] From a totality perspective, it is also relevant to consider the penalty imposed on the Applicant on her plea of guilt to the whip charge under AHRR 156(3) arising from the same race. Whilst a discrete charge, the underlying allegations of excessive whipping form some of the particulars subject of the AHRR 149(2) breach. The Panel takes this into account when considering the appropriate penalty.
- [64] The Respondent advises that the Applicant's suspension for the breach of AHRR 156(3) ceases at midnight 27 April 2025. A suspension therefore has been operational in respect of the Applicant's licence since midnight 13 April 2025, notwithstanding the stay of the suspension subject of this review.
- [65] In all the circumstances, the Panel considers the imposition of a four-week suspension of the Applicant's licence is appropriate for her breach of AHRR 149(2) as adequate to reflect the seriousness of the charge within harness racing, her relevant culpability in breach thereof and her personal circumstances. The Panel considers that the objects of imposing the penalty on the Applicant, including to achieve specific deterrence, are further achieved by the two suspensions running concurrently, as the Stewards determined.
- [66] In light that the Applicant has already effectively served half of the concurrent suspension, it is just in the circumstances for this Panel to endorse the dates over which the Steward's determined the Applicant should serve the suspension for breach of Rule 149(2), namely 14 April 2025 and 11 May 2025.

⁴¹ Offence Report Jordan Topping (QRIC document 16)

Orders

- [67] Pursuant to section 252AH(1)(a) of the *Racing Integrity Act* 2016 the decision of the Panel is to confirm the Stewards' racing decision of a finding of guilt and to impose a suspension of four-weeks for the breach of AHRR 149(2).
- [68] The Panel also confirms the decision of the Stewards that the suspension for breach of AHRR 149(2) should be served concurrently with the other suspension imposed on the Applicant on 13 April 2025 arising from the same race. Accordingly, the Applicant's suspension shall cease at midnight on 11 May 2025.

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