

Appeal decision

Date: 30 September 2014

Code of racing: Thoroughbred

Appeal panel: Mr B Miller (chair), Mr P James and Mr G Casey.

Appearances: Mr J Murdoch QC appeared on behalf of jockey Julien Kokotajlo.
Mr I Brown, stipendiary steward, appeared on behalf of the stewards.

Decision being appealed: Suspension of licence to ride in races for a period of six race meetings – AR137(a).

Appeal result: Appeal dismissed. Penalty reduced.

Extract of proceedings – in the matter of the Jim Regland Class 4 Handicap over 1400 metres at the Gold Coast on 31 August 2014. Jockey: Julien Kokotajlo

THE CHAIRMAN: Julien Kokotajlo was the rider of Lucky Elite when that horse completed at the Gold Coast in Race 9, the Class 4 Handicap over 1400 metres. There were numerous incidents and waywardness by various horses throughout the race. We are concerned with the interference caused to the horse ridden by jockey El-Issa, and the stewards alleged at the outset that jockey Kokotajlo was guilty of careless riding in that he failed to take adequate precautions and measures to ease or to stop riding when his horse was shifting out.

It seems quite apparent that jockey Kokotajlo was at the relevant time aware that his horse was weakening and he was trying to ease the pressure to the horse on his immediate inside. He commented to the stewards and to this board that he did so by riding the horse with the whip in an attempt to straighten it. But of course from a view of the film it became fairly apparent and obvious that by doing so the shifting out or the movement of his horse was exacerbated.

The stewards are of the opinion that he should have stopped riding the horse when he became aware of its weakening nature, and had he done so there may have been sufficient or perhaps a better result in issue. The circumstances leading into this race were that jockey Kokotajlo, who is of French descent, and whilst fluent in English, is not or does not have English as his primary language. It was as a result of that issue that he pleaded guilty to a charge, but at the outset on the representations of Mr Murdoch this board determined that this appeal be allowed to proceed both as an appeal against the penalty and against conviction.

Having said that, it is the opinion of this board that the stewards' identification of the classification of negligent or careless riding can be borne out against jockey Kokotajo, and for that reason we believe that the appeal should be dismissed.

So far as the issue of penalty is concerned, representation has been made that jockey Kokotajlo has been perhaps unduly penalised by a penalty of six meetings, and as a possible salve to that issue Mr Murdoch identified that Eagle Farm race course is no longer available when stewards take into account the imposition penalties' meetings.

Ordinarily, we would not be persuaded to any great degree by that aspect, but we accept that because of the issue of perhaps the lack of serious carelessness in the ride, and the fact that Eagle Farm is no longer available, we have determined that the six-meeting suspension should be changed or altered to a five-meeting suspension.

That is the determination of this board.

Further right of appeal information: The appellant and the stewards may appeal to the Queensland Civil and Administrative Tribunal (QCAT) within **14 days of the date of this decision**. Information in relation to appeals to QCAT may be obtained by telephone on (07) 3247 3302 or via the Internet at www.qcat.qld.gov.au