

APPEAL PANEL OF RACING NSW

APPEAL OF APRENTICE RIDER REECE JONES

Panel: Mr R Beasley SC, Presiding Member; Ms J Foley; Mr P Losh

Appearances:

Racing NSW Mr S G Railton, Chairman of Stewards

Appellant Mr T Crisafi, CEO Jockey's Association

Rule: AR 131(a) (careless riding – penalty appeal)

Date of hearing 30 December 2022

Date of Reasons: 30 December 2022

Outcome: Appeal dismissed

REASONS FOR DECISION

Introduction

1. Following the running of the Group 3 *Chandon Summer Cup* at the Randwick Racecourse on 26 December 2022, apprentice rider Reece Jones (**the appellant**) was charged with the breach of AR 131(a), the careless riding rule, for his ride on *Berdibek*, which finished second in the race, but was subsequently relegated to third placing following a protest.
2. The particulars of the charge brought against the appellant were as follows:

“...you did permit your mount to shift in a significant amount of ground approaching and passing the 200m when not clear of Lion's Roar, which initially resulted in that horse being severely hampered and carried of its line

and then checked from the heels of Berdibek and also making heavy contact with Skylab, which was severely hampered.”

3. It can be noted that prior to the incident the subject of this charge, the appellant was issued with a reprimand for his actions in the same race when he allowed his mount to shift in on *Global Ausbred* which was taken off its rightful running. This occurred at about the 250m mark. This incident is of course of no relevance to the penalty to be imposed on the appellant for the breach of the rule the subject of this appeal.
4. As for that charge, the appellant pleaded guilty, and made frank admissions as to his carelessness at the Stewards' Inquiry. Having heard brief submissions, the Stewards imposed a penalty of a 12-meeting suspension, and also fined the appellant \$1,000 (based on the winning percentage for his third placing).
5. The 12-meeting suspension was arrived at by the application of the Careless Riding Penalty Template. The Stewards graded the level of carelessness as “high”, and assessed the consequences as being that Lion's Roar was “severely checked”. This resulted in a base penalty of a 12-meeting suspension. The appellant was not entitled to mitigation for his riding record (which has improved over the last few years). He was given 15 % mitigation for being an apprentice, 10% for his plea, but these factors were balanced out by a 25 % premium for the race being a “feature race”.
6. At the appeal today, the appellant challenged only the severity of penalty imposed. He was represented by Mr T Crisafi, CEO of the Jockeys' Association. The Stewards were represented by Mr S Railton, the Chairman of Stewards for Racing NSW. The appellant gave evidence on oath, and film of the race was tendered, as was an appeal book containing the transcript of the Stewards' Inquiry.

Issues and submissions

7. In the main, the appeal turns on the resolution of two issues – the grading of carelessness, and the consequences of the carelessness.

8. As to carelessness, unsurprisingly Mr Railton submitted that the film demonstrated that the Stewards determination of a high degree of carelessness was clearly correct. He submitted that the appellant made no attempt to straighten his mount in circumstances where he was obliged to, and generally allowed his mount to significantly shift towards the rails in a manner demonstrating a lack of care for his own safety, and that of other riders and horses, and in particular Lion's Roar and jockey Ben Coen.
9. Mr Crisafi submitted that while the appellant admitted carelessness, there was contribution from both rider Coen for shifting out, and to some degree from Zac Lloyd on Skylab, which also shifted out.

Resolution

10. The Panel is comfortably satisfied that the carelessness here should be assessed as "high" grade. Having watched the film, for the reasons given by Mr Railton, it cannot possibly be considered medium in our view. It was conduct that, as Mr Railton submitted, was approaching what could properly be considered "reckless" under AR 131(a) rather than merely careless.
11. While all jockeys have an obligation to ride their mounts with full vigour and endeavour to give them the best hope of winning or running the best placing they can, safety is paramount. We think the appellant was correct when he told the stewards at the inquiry that he "*didn't have much of a leg to stand on*" (T4 L 171) in relation to opposing the charge brought against him. We consider the same applies to the submission the grading of "high" carelessness should be reduced to "medium". The appellant made no attempt to straighten his horse when he was obliged to, and allowed it to dramatically and arguably dangerously shift in on Lion's Roar in a manner showing a high level of carelessness. When given the opportunity to state otherwise at the Stewards' Inquiry, the appellant did not directly respond to the question as to whether he made "any effort to straighten": T4 L 176. As is obvious from the film, he did not. While two of us on the Panel acknowledge we have not ridden in races, we have observed many incidents of careless riding and alleged careless riding. In our unanimous view,

not only was the carelessness obvious here, but so was the grading. If the conduct was graded as “medium” here rather than “high”, it would in our view potentially render the “high” grading option in the template redundant.

12. As to the consequences, whether Ben Coen on Lion’s Roar was hampered or checked in this case at least is splitting hairs. Lion’s Roar was at first significantly hampered, and was forced sideways by the appellant’s actions, and into Skylab. Mr Coen on Lion’s Roar then clearly stops riding, in a manner which we consider amounts to having to check his mount. We are comfortably satisfied that the Stewards were correct in assessing the consequences to Lion’s Roar as being a severe hamper and severe check, even if there might be more obvious examples of checking. Based on the film, we are comfortably satisfied that that there is no rational view to take other than what occurred here resulted in severe consequences.
13. The Panel does not enjoy suspending riders. We fully recognised that suspensions have adverse financial impacts on them, and sometimes significantly so. This of course includes the appellant, who we note has been riding in a great many races each year, and who has an improved record over the last 12-months as far as breach of the careless riding rule is concerned. However, as stated above, safety of riders and horses is paramount, and based on the evidence we cannot take a view other than that this ride properly fits the grading given to it by the Stewards.
14. One matter we did discuss is the premium of 25% imposed for “feature race”. *The Summer Cup* is an important race over the summer holiday period, but it is not *The Everest*. It is however the feature Christmas Race at Randwick, with the most money invested by punters. The entire running of this race from the turn to the finish was not a great advertisement for racing, and not solely because of the appellant’s conduct. The head on film is not pretty. In the circumstances, we will not interfere with and adopt the 25 % premium.
15. The one point of disagreement we have with the Stewards is with the \$1,000 fine. While we understand the Stewards rationale behind the fine (often adopted

for breaches of the “whip rule”) we consider we should be cautious in setting precedents for fines in addition to suspensions for careless riding. That is not to say we are shutting out fines in additions to suspensions, but in this case we do not consider it appropriate. We would allow the appeal in relation to the \$1,000 fine, particularly as there will be a significant financial impact on an apprentice rider.

16. The orders we make are as follows:

1. Breach of AR 131(a) confirmed.
2. Appeal against 12-meeting suspensions dismissed.
3. Penalty of a suspension of the appellant’s license to ride in races for 12-meetings confirmed. That suspension commences on 5 January 2023, and expires on 27 January 2023, on which day the appellant may resume riding in races.
4. Appeal against imposition of fine allowed. Fine of \$1,000 set aside
5. Appeal deposit forfeited.