APPEAL PANEL OF RACING NEW SOUTH WALES

IN THE MATTERS OF THE APPEAL OF
APPRENTICE JOCKEY BRAITH NOCK

Appeal Panel:	**Mr L Gyles SC – Principal Member; Mr P Losh; Mr C Tuck**
Representatives:	**Racing NSW – Mr Moxon**
	Appellant – Self / Mr Archibald
Date of Decision:	**4 May 2026**

REASONS FOR DECISION

L GYLES SC: Principal Member

On 25 April 2026 the Appellant was suspended by the Stewards for a period of seven days for a breach of AR131(b), being the failure to ride out his mount *Fiddlers Green* to the end of a race. He had ridden the horse in Race 8 at Randwick on that day in a benchmark 78 Race with a total prizemoney of $160,000. *Fiddlers Green* ran fourth by the narrowest of margins, found to be 0.06 of a length.

The Appellant pleaded guilty to the charge and when questioned by the Stewards accepted that he had sat up in the saddle and stopped using the whip something in the order of two lengths from the finishing line. Whilst the Appellant submitted before the Panel that he had stopped riding only one length prior to the post as a matter of misjudgement, the Panel prefers the admission made before the Stewards which is also consistent with the footage which the Panel has seen.

On 28 April 2026 the Appellant appealed against the severity of the suspension. The Appeal came on for hearing at 11:45 on 1 May 2026 and the Appellant appeared in person, together with the assistance of Mr Archibald who read a statement on his behalf. Mr Moxon appeared on behalf of the Stewards.

It was contended on behalf of the Appellant that a seven day suspension was excessive for the following reasons:

(a) The breach arose essentially from a misjudgement by the Appellant as to where the line was;

(b) The horse had already made its run and was tiring;

(c) The breach had no impact on the result of the race, and the horse was not going to finish in the top 3 irrespective;

(d) The fact that the Appellant was an apprentice;

(e) That the impact of the suspension was very significant because of rides which the Appellant had secured at Gosford on 8 May 2026, which he would miss.

Mr Moxon on behalf of the Stewards took issue with the submission that the breach did not impact the race result and submitted that if the horse had been ridden to the line that the Stewards believed that it would have likely finished third. It is not necessary for the Panel to determine that issue but the Panel is at least satisfied that it was *possible* that the result of the race would have been different if the breach had not occurred. Mr Moxon took us through a number of authorities which can be summarised as indicating that breaches of this character had generally led to suspensions of between about four days and twelve days, depending upon the circumstances of the case.

In the present case he pointed to the fact that Mr Nock had been found guilty of three similar breaches in 2024 which Mr Moxon submitted counted against him and justified a suspension at the high end of that range. He also submitted that breaches of this character, going to the integrity of the race, are very important, particularly at Saturday meetings where the prize money, and betting pool, can be much higher when compared to provincial and mid-week meetings. He took the Panel to the Appeal Panel decisions in *Bayless* (15 October 2021) and *Berry* (22 February 2024) to support his submissions, particularly as to the importance of compliance with the relevant rule.

The Panel has taken into account the very helpful submissions made by Mr Archibald on behalf of the Appellant, and his evidence before the Stewards, as well as the submissions of Mr Moxon and, consistent with the authorities provided, has come to the view that the suspension imposed by the Stewards was not excessive in the circumstances, and has determined to dismiss the Appeal.

The following Orders are made:

1. The Appeal is dismissed.
2. The deposit is to be retained.

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4 May 2026