

APPEAL PANEL OF RACING NEW SOUTH WALES

IN THE MATTER OF THE APPEAL OF LICENSED JOCKEY DANNY BEASLEY

Heard at Racing NSW Offices

Appeal Panel: **Mr L. Vellis - Convenor; Mrs J. Foley; Mr J. Murphy**
Representatives: **Appellant – Mr T. Crisafi, NSW Jockeys Association**
Racing NSW - Mr T. Moxon, Deputy Chairman of Stewards
Date of Hearing: **22 February 2024**
Date of Reasons and Orders: **22 February 2024**

REASONS FOR DECISION

Introduction

1. On 15 February 2024, licensed jockey Mr Danny Beasley (**Appellant**) pleaded not guilty to a breach of AR 131(a) of the Australian Rules of Racing (the **Rules**). The particulars of the charge alleged were that the Appellant engaged in "careless" riding "in Race 2 at Goulburn, the Goulburn Mulwaree Council Country Boosted Maiden Handicap over 1,500 metres in that:

"passing the 900 metres he permitted his mount to shift in when insufficiently clear of Cab Perrio which was taken in resulting in Danish Lane having to be restrained when crowded from its running".

2. Applying the Careless Riding Penalty Template (**Template**), the Appellant was penalised with a 4-meeting suspension, reduced from 7 meetings due to the Appellant's good record during the previous 12 months.
3. The penalty imposed by the Stewards resulted from their assessment that the grade of carelessness involved was "medium". The consequences of the carelessness were assessed as "checked and/or lost rightful running".
4. The Appellant has appealed against guilt and the severity of the penalty imposed upon him. He was represented at the appeal hearing by Mr T. Crisafi of the NSW Jockeys Association. The Racing NSW Stewards were represented by Mr T. Moxon, Deputy Chairman of Stewards. An appeal book containing the transcript of the Stewards' Inquiry,

and the Template as completed by the Stewards, was tendered in evidence. Film of the race from multiple angles was also shown to the Panel, and tendered as an exhibit.

5. Mr Moxon submitted that Mr Beasley was insufficiently clear, being 1 to 1 ¼ lengths clear before crossing Ms Scott's mount of Cab Perrio, which caused Mr Ward's mount to be restrained when crowded from running. Mr Moxon also pointed to Mr Ward's evidence from the inquiry whereby he said that he was "tightened up" and lost his position during the incident.
6. With respect to Ms Scott's evidence that her mount shifted in a little rather than being dictated to by Mr Beasley, Mr Moxon submitted that this was not borne out by the film and that Mr Beasley shifted in when insufficiently clear, which caused the incident to occur.
7. Mr Crisafi's submissions and Mr Beasley's evidence can be summarised as follows:
 - a. Mr Beasley is a jockey of 31 years experience and has a good record, with only a 1 day suspension over the past 12 months.
 - b. Mr Beasley was sufficiently clear when crossing, despite not being 2 lengths clear of Ms Scott's mount when doing so, with the 2 length guidance not applicable in all circumstances.
 - c. Ms Scott's evidence did not support a guilty finding as her evidence was that her mount followed Mr Beasley's mount in shifting in, and Ms Scott at no time checked or restrained her mount.
8. Having carefully considered the evidence and viewed the film, the Panel is of the unanimous view that there is a breach of AR 131(a) in that Mr Beasley was insufficiently clear of Cab Perrio when shifting in and it was this shift that caused Mr Ward's mount to be restrained when crowded from its running.
9. Where the Panel differs with the Stewards is that the Panel has determined the carelessness to be low grade rather than medium grade. Mr Beasley took some steps before shifting in to look over his shoulder and the Panel considers this breach of the rule to be at the lower end of the scale. Applying the Careless Riding Template and including a discount for the Appellant's good record will result in a suspension of 3 meetings.

Orders

10. The Panel makes these orders:
 - a. Appeal against guilt dismissed.

- b. Finding of a breach of AR 131(a) confirmed.

- c. Penalty of a 4-meeting suspension reduced to 3 meetings. Such penalty commences on Monday 26 February 2024, and expires on Saturday 2 March 2024, on which day the Appellant may resume riding in races.

- d. Appeal deposit refunded.
