

## RACING APPEAL PANEL NEW SOUTH WALES

### IN THE MATTER OF THE APPEAL OF JOCKEY ROBYN FREEMAN-KEY

Heard at Racing NSW Offices on Tuesday 30 April 2019

APPEAL PANEL: Mr R Beasley SC - Principal Member  
Mr J Fletcher  
Mrs Carole Molyneux-Richards

APPEARANCES: Mr P Dingwall for the Stewards  
Appellant – In person

### REASONS FOR DECISION

1. **PRINCIPAL MEMBER:** On Saturday, 20 April 2019, the Appellant, Jockey Robyn Freeman-Key, rode the horse Royal Casino in race 6 at Moruya Racecourse. Royal Casino ran fifth in the race.
2. Following the race, the Stewards conducted an inquiry into the Appellant's ride. The Appellant was subsequently charged with a breach of AR 131, the careless riding rule. The particulars of the breach were that the Appellant, as rider of Royal Casino, did:  
  
*“...passing the 100m, permit your mount to shift in whilst riding it along when insufficiently clear of Waldo Waldorf, which had established a run between One Son and Royal Casino, resulting in Waldo Waldorf racing tight for some distance before ultimately losing its rightful running and having to be checked.”*
3. The Appellant pleaded not guilty, but was found by Stewards to be in breach of the rule. She was penalised with a 3-meeting suspension of her licence to ride, applying the Penalty Guidelines for careless riding. The carelessness was graded as “low”, with the consequence of Waldo Waldorf suffering a check and losing its rightful running. The Appellant has appealed the finding of breach, and the severity of penalty imposed to the Panel today. She

represented herself, with the Stewards represented by Mr Phillip Dingwall, the Deputy Chairman of Stewards.

4. The appeal book, including transcript of the Stewards' Inquiry, was marked as exhibit A on the appeal. The film was marked as exhibit B.
6. At the commencement of the hearing, while maintaining that the Appellant's ride was careless, Mr Dingwall very fairly indicated that it was open to the Panel to take the view that another jockey had contributed to the interference suffered by Waldo Waldorf. In particular, Mr Dingwall drew the Panel's attention to the ride of Jockey Brewer on One Son.
7. Despite this, Mr Dingwell submitted that the Appellant kept riding her horse with vigour past the point where she should have stopped riding, and attempted to straighten her mount. He drew the Panel's attention to T5 L220 of the Transcript of the Stewards' Inquiry, where the Appellant conceded she "could have put the stick away for a stride earlier".
8. For her part, the Appellant conceded this to the Panel, but said the interference had already commenced to occur to Waldo Waldorf, and her stopping riding would not have made any difference, and may have put her too close to the winner coming down the outside, Malachi Crunch.
9. Having viewed the film many times, the Panel unanimously agrees with Mr Dingwall that the Appellant did breach the careless riding rule. She continued to ride her mount out beyond the time she should have, and we do believe this in part contributes to the check suffered by Waldo Waldorf. Safety is paramount, and although we agree with a low grading, the appellant should have stopped riding and straightened her mount. We do not believe this would have put her horse in any danger with Malachi Crunch.
10. However, we are of the view that Jockey Brewer on One Son is equally at fault in causing interference to Waldo Waldorf. There was some debate amongst the Panel as to whether he was more or less culpable than the Appellant. In the end, we have agreed on equal culpability.
11. In those circumstances, and applying the Guidelines, we take the view that the penalty imposed on the Appellant should be discounted further by 50%.

This equates to 1.5 meetings. We would round this down to 1 meeting. Accordingly, the appellant is suspended from riding until 2 May, but is free to ride this Friday, 3 May.

12. The Panel's orders are as follows:

(1) Appeal against finding of breach of AR 131 dismissed.

(2) Finding of breach of AR131 confirmed.

(3) Appeal against severity of penalty allowed.

(4) Penalty of a 3 meeting suspension set aside, and in lieu thereof, penalty of a 1 meeting suspension imposed. The suspension commenced on 29 April 2019, and will end on Friday 3 May 2019, on which day the Appellant may ride.

(5) Appeal deposit to be refunded.

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