

RACING NEW SOUTH WALES APPEAL PANEL

IN THE MATTER OF THE APPEAL OF JASON COLLETT

Appeal Panel: **Mr R Beasley SC – Principal Member**
Mr R Clugston
Mrs C Tuck

Appearances: **Racing NSW: Mr M Van Gestel, Chairman of Stewards**
Appellant: Mr Paul O’Sullivan, Solicitor

Date of Hearing: **8 February 2019**

Date of Decision **8 February 2019**

REASONS FOR DECISION

1. On 5 February 2019 the appellant Jockey, Mr Jason Collett, rode the horse Pamela in Race 8 that day at the Kembla Grange Racecourse.
2. Following the race, the Stewards inquired into interference and a relatively serious check suffered by the horse Ikara Miss ridden by Glyn Schofield at about the 50m mark. Ikara Miss had in fact run second to Pamela, but on protest the placings were reversed.
3. During the inquiry Mr Collett was charged with a breach of AR 137(a), which relates to careless riding. He was alleged to have kept riding his mount with vigour when it shifted out from inside the 100m and approaching the 50m, thereby causing interference to Ikara Miss. Instead, it was suggested he should have stopped riding and straightened his horse.
4. After viewing film of the race, and hearing evidence and submissions, the Stewards found Mr Collett to have breached AR 137(a). They judged his carelessness to be of medium grade. Applying the penalty guidelines, he was suspended for 6 meetings.
5. On appeal, Mr Scott Matthews, who appeared for the Stewards, tendered the appeal book, and film of the race. He submitted that the film clearly demonstrated that the particulars of the offence were made out. While he conceded that Pamela shifted in

from the 100m through no fault of Mr Collett's, he pointed to the fact that instead of attempting to straighten his mount and stop riding with vigour, Mr Collett chose to strike Pamela with the whip in the left hand, and made no attempt to straighten the horse and prevent the interference caused to Ikara Miss.

6. Mr Paul O'Sullivan, appearing for Mr Collett, submitted that (consistent with Mr Collett's evidence) Pamela was a difficult horse to ride, and Mr Collett had relevant experience with this that influenced his actions. Mr Collett's evidence was that he had ridden the horse in her previous race, and it had also shifted out. This had been corrected by hitting it with the whip in the left hand. On this occasion however, that action caused the horse to dramatically shift out further, causing the interference. This had not only taken Mr Collett by surprise, it threw him off balance, and he was not able to grab the horse by both reins.
7. Having viewed the film multiple times, we consider that Mr Collett did breach the rule. At all times he kept riding vigorously. He should have made more of an attempt to straighten his mount and stop riding. Moreover, while we accept that the horse had straightened from shifting out by being hit with the whip in the left hand in its previous race, this was not without risk. Mr Collett took the risk that this would work again. It dramatically did not. The more prudent thing to do would have been to make an effort to straighten the horse with both hands as it started to shift in. Not taking this action – and riding with vigour and use of the whip instead - was careless. We are satisfied that it should be graded as a medium level of carelessness.
8. The Stewards discounted the penalty imposed on Mr Collett by 10% for the erratic behaviour of his horse. We agree this is appropriate, but do not think any further discount as submitted by Mr O'Sullivan is warranted.
9. In all the circumstances then, we consider the appeal against finding of breach of the rule should be dismissed, as should the appeal against penalty.
10. The Panel makes the following orders:
 1. Appeal against finding of breach of AR 137(a) dismissed.
 2. Finding of breach of AR 137(a) confirmed.

3. Appeal against severity of penalty dismissed.
4. Penalty of a six-meeting suspension confirmed.
5. Appeal deposit forfeited.