

RACING APPEAL PANEL OF NEW SOUTH WALES

APPEALS OF LICENSED JOCKEYS MR L. MAGORRIAN AND R. BAYLISS

Appeal Panel: **Mr R. Beasley SC (Presiding Member); Mrs J. Nicholson; Ms S. Skeggs**

Appearances: **Racing New South Wales: Mr M. Van Gestel, Chairman of Stewards**
Appellants: Appellant Magorrian – himself. Appellant Bayliss: Mr P O’Sullivan

Date of Hearing: **18 January 2021**

Date of Orders: **18 January 2021**

Date of Reasons: **8 April 2021**

REASONS FOR DECISION

L. Magorrian

1. On 9 January 2021, Licensed Jockey Lee Magorrian was found guilty by the Stewards of a breach of the Careless Riding Rule (AR131(a)) in respect to his ride on the horse “Strawb” in Race 9 at the Meeting at the Randwick Racecourse that day.
2. The Particulars of the alleged breach of the Rule against the Appellant were that:

“...as the rider of Strawb, on straightening you did direct Strawb out when insufficiently clear of Dame Kiri, resulting in Dame Kiri being badly hampered and taken wider at that point and becoming unbalanced as a result”.
3. The Appellant pleaded guilty. His carelessness was assessed by Stewards as “medium” grade, with the consequence of “hampered, crowded”. By the application of the Careless Riding Penalty Template, the Appellant’s licence was suspended for 3 meetings.
4. On appeal to the Panel heard on 18 January 2021, the appellant changed his plea to not guilty of a breach of AR131(a), and appealed against the severity of the penalty imposed upon him.

5. In addition to the Appeal Papers (Exhibit A), film of the race was also tendered (Exhibit B). Regrettably for the Appellant, the film made it absolutely clear that he had breached the careless riding rule in the manner alleged by the Stewards. The Panel was also of the view that there was no basis for reaching a different conclusion as to penalty than that provided for by the penalty template.
6. The orders made by the Panel were as follows:
 - (1) Appeal against finding of breach of AR131(a) dismissed.
 - (2) Finding of breach of AR131(a) confirmed.
 - (3) Appeal against severity of penalty dismissed.
 - (4) Suspension of 3 meetings confirmed.
 - (5) Appeal deposit forfeited.

Regan Bayliss

7. On 8 January 2021 Licensed Jockey Regan Bayliss was found by the Stewards to have breached the Careless Riding Rule (AR131(a)) following his ride on the horse “Strange Charm” in Race 4 at the Canterbury Park Racecourse that day.
8. The particulars of the Charge were that

“...as the rider of Strange Charm ... did near the 350 metres permit your mount to shift out when insufficient clear of Split Not a Shock, resulting in that runner being taken out and, as a result, Celtic Love had to be steadied and lost its rightful running when crowded between Split Not a Shock and Joliette.”
9. When asked by Stewards during their race Inquiry how he wished to plead to the charge, the Appellant sought time to speak to his Manager. Whether or not the Appellant’s manager is an expert on AR131(a), having done so, the Appellant pleaded

“not guilty”. He was, however, found to be in breach of the Rule by the Stewards, with the level of carelessness graded as “medium”, and with the consequence being assessed as “checked and/or lost rightful running”. By application of the Careless Riding Penalty Template, the Stewards imposed a penalty of a 6 meeting suspension.

10. At the Appeal Hearing an Appeal Book was tendered containing transcript of the Stewards’ Inquiry, as well as film of the Race (Exhibit B).
11. In the opinion of a majority of the Panel (Beasley SC; Nicholson) the film supported the Stewards’ view that the careless riding rule had been breached. We did, however, consider that the carelessness should be graded as “low” rather than of “medium” grade.
12. Applying the penalty template, but with a further exercise of discretion, the Panel took the view that the appropriate penalty to impose upon the Appellant was a suspension of 3 meetings in lieu of 6. The orders made by the Panel were therefore as follows:
 - (1) Appeal against finding of breach of AR131(a) dismissed (by majority).
 - (2) Finding of breach of AR131(a) confirmed.
 - (3) Appeal against severity of penalty allowed.
 - (4) In lieu of a 6 meeting suspension, the Appellant’s licence to ride is suspended for 3 meetings. The Appellant is free to ride from Sunday, 24 January 2021.
 - (5) Appeal deposit to be refunded.

R. Beasley SC
On behalf of the Appeal Panel