

APPEAL PANEL OF RACING NEW SOUTH WALES

APPEAL OF LICENSED JOCKEY MR SERG LISNY

Appeal Panel: **Mr R. Beasley SC, Principal Member; Mr J. Murphy; Ms S. Skeggs**

Appearances: **Racing New South Wales: Mr M. Van Gestel, Chairman of Stewards**

Appellant: Mr Wayne Pasterfield, Solicitor

Revised orders – 10 June 2021

Principal Member

1. Reference is made to the Panel's Reasons for Decision and Orders made on 9 June 2021, and to the Panel's supplementary reasons of 10 June 2021.
2. The Panel is now in receipt of an email from the appellant's legal representative, Mr Wayne Pasterfield, in response to the Panel's invitation to make a further submission concerning the proper penalty for Charge 2. There is no need to set that email out in this note of revised orders. Suffice to say that the appellant, through Mr Pasterfield, agrees with Mr Van Gestel that the penalty imposed for Charge 2, in relation to which there ultimately was no appeal, was a "full" 1-month suspension, meaning that the appellant was suspended not just from riding in races, but also from riding in official trials, jump-outs and trackwork. The error made by me in the orders of 9 June 2021 therefore can be amended with the consent of both the Stewards and the appellant.
3. The amended orders are as follows:
 - (1) Leave granted to the Appellant to change his plea from not guilty to guilty in respect of Charge 1 (AR231(1)(a)) and Charge 3 (AR134).

- (2) Leave granted to the Appellant to withdraw the appeal in relation to Charge 2 (AR125).
- (3) Appeal in relation to severity of penalty in respect of Charges 1 and 3 allowed.
- (4) In respect to Charge 1 (AR231(1)(a)), in lieu of a 6-month disqualification, the Appellant's licence to ride is suspended for a period of 5 months.
- (5) In respect to Charge 3 (AR 134), in lieu of a 6-month disqualification, the Appellant's licence to ride is suspended for a period of 5 months.
- (6) Penalty of a 1-month suspension for breach of AR125 confirmed. That suspension is a suspension of the appellant's licence to ride "in any race, official trial, jump-out or trackwork".
- (7) All penalties to be served concurrently, meaning the Appellant's licence to ride in races is suspended for a period of 5 months, while his licence to ride in any official trial, jump-out or trackwork is also suspended for the first month of this five-month period. Pursuant to AR283(7), the five-month suspension is to commence on Wednesday 16 June 2021, and expires on 16 November 2021, on which day the Appellant may resume riding in races.
- (8) Appeal deposit to be refunded.