APPEAL PANEL OF RACING NEW SOUTH WALES

IN THE MATTER OF THE APPEAL OF
LICENSED APPRENTICE JOCKEY LEESHELLE SMALL

Appeal Panel:	**Mr L Gyles SC – Principal Member; Mr J Murphy; Mr C Tuck**
Representatives:	**Racing NSW – Mr Steve Railton**
	Appellant – Mr Rodney Northam (Master)
Date of Decision:	**15 August 2025**

REASONS FOR DECISION

L GYLES SC: Principal Member

This Appeal concerns a careless riding charge imposed by the Stewards on Leeshelle Small in relation to her ride on 'See you then' in Race 2 at Tamworth on 7 August 2025. The Stewards found Ms Small guilty of the charge and suspended her for seven meetings.

Ms Small brings this Appeal both against guilt and against the sanction imposed by the Stewards, submitting that it was excessive.

The hearing came before the Racing Appeal's Panel on 14 August 2025. Mr Railton conducted the Appeal on behalf of the Stewards and Ms Small's master, Mr Rodney Northam, spoke on her behalf. The Panel was taken to footage of the race from three angles and analysed it closely, with the benefit of submissions both from Mr Railton and Mr Northam. The Panel also had before it the transcript of the hearing which had taken place on course that day in which the jockeys of two other horses in the race, and Ms Small, gave evidence.

The Appeal ultimately came down to two critical issues, which can be dealt with relatively shortly.

First in respect of the Appeal against guilt, Mr Railton essentially relied upon the abrupt and excessive nature of the Appellant shifting out on her horse in the way

that she did. He emphasised, and the footage showed, that the Appellant's mount shifted about four horses to the left as it came around the home turn. He pointed to the fact that at the time the horse was not two lengths clear of 'Tampa Bay' which was making a run immediately to its left, and that by shifting to the extent that she did, in turn caused 'Tampa Bay' to shift into the running of 'Sunday Scaries' and causing interference between those horses. Mr Railton submitted that extra care should have been taken by the Appellant where making a run on the home turn, and in circumstances where some of the horses in the race would be expected to be, and were, "green".

Mr Northam, on behalf of the Appellant, first submitted that the Appellant was entitled to take the run that she did and that the horse immediately to her left, 'Tampa Bay', continued running the whole time and was not impeded in that run by the shifting out of 'See You Then'. He submitted that the reason that the Appellant had to go as wide as she did was because the runner in front of her shifted out about three lengths forcing the Appellant to do the same. Second, he pointed out that the rider of 'Sunday Scaries' when questioned by the Stewards did not agree that she had been interfered with and said that her horse was dropping out of the race anyway. His submission was that no other horse had been interfered with by the shifting out of the Appellant.

The Panel accepts and understands that a jockey is entitled to take a run which presents itself during a race, and that to fail to do so could lead to criticism from the trainer or the owners of the horse. Despite that, the overriding obligation of jockeys is to do what they can to ensure the safety of other horses and jockeys in a race, and this duty of care is very important given the potential consequences of not doing so.

In the present case the Panel accepts that the Appellant was entitled to look for a run as she came around the home turn, but that both the abrupt nature of the shifting out, and the extent of it, meant that her duty of care to other riders was not appropriately discharged and that the risks associated with the that were unacceptable. When questioned by the Stewards, she accepted that she could have grabbed hold of the horse and stopped shifting out earlier than she did. The Panel therefore accepts that the Stewards have discharged their onus of proving the careless riding charge.

In terms of the grading of the careless riding, the Panel accepts the submission of Mr Railton that the nature and extent of the carelessness was appropriately of a medium grade, and the risks associated with it were above an entry level.

The Panel however takes a different view from the Stewards as to the appropriate consequences which were in fact caused by the interference. In this regard, the Panel finds that the consequences were best described as being that the two other effected horses were hampered or crowded, rather than being checked or losing their rightful running. This finding is consistent with the evidence of both of the jockeys of those horses, and the fact that the footage showed that 'Tampa Bay' was able to continue running during and after the interference.

The consequence under the careless riding penalty template, which the Panel adopts on this Appeal to promote a consistency of approach, is that one starts with a suspension of four meetings and when the mandatory discount is applied due to the Appellant being an apprentice, this reduces to 3.4 meetings, which the Panel rounds down to 3 meetings.

The orders of the Panel are therefore as follows:

1. The Appeal against guilt in respect of the careless riding charge is dismissed.
2. The Appeal against penalty is partially successful and the suspension of seven meetings imposed by the Stewards is reduced to three meetings.
3. The Appellant and the Stewards are to agree as to which meetings are to be subject of the suspension.
4. The Appeal deposit may be returned.

15 August 2025