

RACING NEW SOUTH WALES

APPEAL PANEL

21 December 2015

MR R CLUGSTON — PRINCIPAL MEMBER
MR T CARLTON
MR C CLARE

IN THE MATTER OF THE APPEAL OF
JESSICA TAYLOR

REASONS FOR DECISION

CHAIRMAN: This is an appeal by licensed apprentice jockey Jessica Taylor (hereinafter referred to as “the Appellant”) against the severity of a penalty imposed by Stewards at the Rosehill Gardens Racecourse on Saturday 28 November 2015 for a breach of AR137(a).

The particulars of the “careless riding” charge were that as the rider of *Grand Proposal* in Race 3 the TAB Highway Handicap at Rosehill Gardens Racecourse on 28 November 2015 the Appellant did permit her mount to shift out inside the 100 metres when insufficiently clear of *High Opinion* (J. McDonald) resulting in that horse having to be checked which then contributed to interference to *Kings Officer* (B. Shinn) which was positioned outside *High Opinion*.

The Appellant pleaded guilty to the charge before the Stewards and her licence was suspended for four (4) meetings commencing on 6 December 2015 and expiring on 13 December 2015 on which day she may ride. The term of that suspension was subsequently amended by Stewards on duty at the Hawkesbury Racecourse on 29 November 2015 such that her suspension was to commence on 7 December 2015 and expire on 14 December 2015 on which day she may ride. The Appellant was granted a stay of proceedings on 30 November 2015 until further order of the Panel.

The Appellant adhered to her plea of guilty in the proceedings before the Panel. The appeal is therefore a rehearing on the question of penalty. The Stewards were represented in the proceedings before the Panel by Mr R. Murrihy, Chairman of Stewards and the Appellant appeared in person represented by her Master, licensed trainer Mark De Montfort. The transcript of the Stewards' inquiry conducted at Rosehill Gardens Racecourse on 28 November 2015 and the transcript of the hearing of the charge which took place on the same day and the video recording of the race in question were admitted into evidence in the proceedings before the Panel.

The Panel considers that the circumstances which gave rise to the commission of the breach by the Appellant were succinctly described in the evidence given at the Stewards' inquiry by the Deputy Chairman of Stewards Mr M. Van Gestel. In his evidence Mr M. Van Gestel said:

“----- I had a lateral view of the incident in Race 4, which occurred inside the 100 metres. I felt at that point, that firstly, James McDonald on *High Opinion* had to take hold. I thought there was a shift from the inside, *Grand Proposal*, ridden by Jess Taylor, which shifted out under riding and that resulted in *High Opinion* being taken out, with *High Opinion* taken out then towards Blake Shinn's mount, *Kings Officer*. I felt at some point of time there was a slight shift from the outside from Rory Hutchings' mount that resulted in Blake Shinn having to steady his mount when his ground was crowded.”

Mr M. Van Gestel's oral evidence was consistent with the images depicted in the video recording of the race and was consistent with the evidence given at the Stewards' inquiry by jockeys J. McDonald, B. Shinn and apprentice jockey R. Hutchings.

In assessing the penalty of licence suspension for four (4) meetings the Stewards Panel utilised the “Careless Riding Penalty” template. This Panel notes the following relevant entries in that document:

1. Stewards assessed the level of carelessness as grade two (2) on an ascending scale of one (1) to three (3);
2. Stewards assessed the consequences of the Appellant's careless riding as grade two (2) on an ascending scale of one (1) to six (6) on the basis that another horse suffered a check;

3. Stewards applied a discount of fifteen (15) per cent to reflect the Appellant's inexperience as an apprentice rider;
4. Stewards applied a further discount of ten (10) per cent on the basis of the plea of guilt entered by the Appellant;
5. Stewards applied a further discount of fifteen (15) per cent to take into account the contribution of apprentice jockey R. Hutchings to the incident.

The Appellant contended before the Panel that:

1. the Stewards erred in assessing the grading of carelessness as grade two (2) rather than grade one (1);
2. the Stewards erred in assessing the consequences of the Appellant's carelessness as grade two (2) as there was no evidence of a check to another horse;
3. the Stewards should have assessed the Appellant's carelessness as equal to the carelessness of apprentice R Hutchings who was charged with "careless riding" and received a reprimand;

The Panel rejects each of the Appellant's submissions. The Panel considers that the Appellant's carelessness was constituted by her shifting out under riding when only one (1) length clear of J. McDonald's mount which caused that rider to take hold in order to avoid the heels of the Appellant's mount and as a result of that shift the horse ridden by J. McDonald lost its rightful running. Further, the Panel accepts Mr Murrhy's submission that the carelessness of apprentice R. Hutchings in shifting in had no affect on the interference suffered by J. McDonald's mount.

The Panel in forming its own opinion in relation to the appropriate penalty in this case agrees with the approach taken by Stewards in completing the "Penalty" template. The Panel considers that the appropriate penalty in this case is licence suspension for four (4) meetings.

The orders of the Panel are as follows:

1. Appeal dismissed;
2. Penalty of licence suspension for four (4) meeting confirmed, such suspension to commence on 24 December 2015 and to expire on 1 January 2016 on which day she may ride;
3. Appeal deposit of \$200 forfeited.