

APPEAL PANEL OF RACING NEW SOUTH WALES

APPEAL OF LICENSED JOCKEY MS LOUISE DAY

Appeal Panel:	Mr R. Beasley SC, Principal Member; Mr J. T. Murphy; Mr C. Tuck
Appearances:	Mr T Moxon, Deputy Chairman of Stewards Appellant in person
Date of Hearing:	21 July 2023
Date of Reasons:	21 July 2023
Rules involved:	AR 131(a) – Careless Riding

REASONS FOR DECISION

Mr R. Beasley SC, for the Panel

1. On 14 July 2023, licensed jockey Ms Louise Day (**the Appellant**) was charged with a breach of the careless riding rule (AR131(a)) following her ride on Super Norwest in Race 3 at Moruya on that day. The particulars of the charge were as follows:

“...as the rider of Super Norwest...., passing the 1000m, [you did] permit your mount to shift in when insufficiently clear of Kitty Karine, which had to be restrained when crowded in onto Hurricane Coni, which ultimately had to be checked and lost its rightful running and was taken in onto Smokestacklightning, which was crowded in onto Tavolo, making contact with that runner for some distance, which became unbalanced.”
2. The Appellant pleaded guilty to breach of the rule. The Stewards graded her carelessness as “medium”, and the consequences as “checked and/or lost rightful running”. The application of the Careless Riding Penalty Template (Template) resulted in a 6-meeting suspension of the Appellant’s licence to ride. She has appealed to the Panel against the severity of penalty.
3. At the hearing, the Panel was shown film of the race multiple times, from two angles. The main issue on the appeal was whether the carelessness should be assessed as “low” or “medium”. The Appellant contended that while she did not dispute she had breached

the rule, she had corrected her mount from shifting in as soon as possible, and some of the other horses, including Kitty Karine, had over-reacted.

4. There is no dispute that the film of the race shows that:
 - (a) At all relevant times the Appellant was looking at the horses to her inside;
 - (b) She did correct her mount from shifting in.

The decisive issue for the Appeal, as identified by the Chairman in the race inquiry (T8 L367), and repeated by Mr Moxon, was whether the correction occurred “too late”.

5. The Panel is of the view that while the Appellant did look almost continually to her inside, her horse kept shifting in while this occurred. She did in the end correct the shift in, and we acknowledge that she was riding an inexperienced horse. However, the correction occurred in our view a few strides after it should have. In those circumstances, we are of the view the error was appropriately graded as medium level carelessness.
6. We have also noted that while some of the other horse in the race did run slightly erratically, the catalyst for all consequences was the Appellant’s late correction. None of the conduct of other riders or horses was sufficient here in our view to apply a “contribution discount”. In those circumstances, the appeal must be dismissed.
7. The Panel’s orders are:
 1. Appeal dismissed.
 2. Finding of breach of AR 131(a) confirmed.
 3. Penalty of a six-meeting suspension of the Appellant’s license to ride confirmed (commencing on 24 July and ending following the Canberra meeting on 4 August).
 4. Appeal deposit forfeited.