

APPEAL PANEL OF RACING NSW

APPEAL OF APPRENTICE RIDER JACKSON SEARLE

Panel: Mr R Beasley SC (Presiding Member); Mr C Tuck; Mr J Rouse

Appearances: The Stewards: Mr M Van Gestel (Chairman of Stewards)
 The Appellant: Mr C Morgan, Master

Date of hearing and reasons: 27 June 2022

Rule involved: AR 131(a) (careless riding).

REASONS FOR DECISION

Mr R Beasley SC for the Panel

1. On 19 June 2022, apprentice rider Jackson Searle (**the Appellant**) was charged with a breach of the careless riding rule (AR 131(a)) for his ride on *Beau Factor* in race 8 run at the Coonamble Racecourse that day over 1100m.
2. The particulars of the charge brought against the appellant were as follows:

“...you, Jackson Searle, as rider of Beau Factor in race 8, did make insufficient effort to prevent your mount shifting in, resulting in Akaka Falls being taken in onto the running of Bed Talk, which had to be checked.”
3. Although not set out in the particulars, there was never any doubt that the incident the subject to the charge took place at about the 800-metre mark.

4. The appellant pleaded not guilty to breach of the rule, but the charge was sustained by the Stewards. They assessed the carelessness as “low” grade, and the consequences found were that Bed Talk was checked. Applying the careless riding penalty template, the appellant’s licence to ride in races was suspended for 4 meetings. This factored in a discount that included an element of “contribution,” which related to Beau Factor’s “racing manners”: T 9 L 398.
5. The appellant appealed against the finding of guilt and the severity of the penalty imposed upon him. He was represented on appeal by his Master, licensed trainer Mr C Morgan. The Stewards were represented by the Chairman of Stewards for Racing NSW, Mr M Van Gestel. The only evidence on appeal was an appeal book containing the transcript of the Stewards’ Inquiry, and film of the race from multiple angles.
6. The submissions made were appropriately brief for what was not a complex appeal. Mr Van Gestel submitted that the carelessness involved was clearly in the “low” range, but that the appellant at the critical time had not shown sufficient endeavour to keep his mount from shifting in on Akaka Falls (ridden by Kody Nestor) which in turn then caused a check to Bed Talk.
7. For the appellant, Mr Morgan drew the Panel’s attention to the horse on the appellant’s outside at the critical time, *Anubis* ridden by Mr K Dunbar. He submitted that this horse shifted in, leaving the Appellant with no room to shift out and away from Akaka Falls.
8. After considering all submissions, and having viewed the film multiple times, the Panel was unable to reach a unanimous view. Mr Tuck is of the opinion the appeal against finding of breach of the rule should be dismissed. While he considers that the carelessness was clearly “low,” he is of the view that the Appellant did shift in on Akaka Falls in circumstances where he had the opportunity to attempt with more purpose to straighten his horse, or keep it from shifting in. If applicable however, he would have allowed the penalty appeal, and reduced the length of suspension.
9. Mr Rouse and I are of the view that the appeal against finding of breach of the rule should be allowed. While we can see from the film that Beau Factor does shift in marginally on Akaka Falls, we can also see that Akaka Falls shifts in on Bed Talk.

Further, the shifting in of Akaka Falls does not seem to us to be caused or significantly caused by the actions of the Appellant on Beau Factor. We are very conscious that AR131(a) is an important rule that is in place to ensure racing is conducted as safely as it can be, and that carelessness by riders can result in terrible consequences. However, in this case we do not consider that the conduct of the Appellant passed the threshold required for us to be comfortably satisfied that such conduct should be considered careless and in breach of the rule.

10. By majority then, the appeal is allowed, and the finding of breach of the rule must be set aside, as must the penalty. The Panel's orders are as follows:

1. Appeal allowed.
2. Finding of breach of AR 131(a) set aside.
3. Penalty of a 4-meeting suspension set aside.
4. Appeal deposit to be refunded.