

APPEAL PANEL OF RACING NEW SOUTH WALES

APPEAL OF APPRENTICE JOCKEY MR REECE JONES

Appeal Panel: **Mr R. Beasley SC (Principal Member); Mr J. Murphy; Mr P. Losh**

Appearances: **Racing New South Wales: Mr C Albrecht**

Appellant: Self

Date of Hearing: 23 March 2023

Date of Reasons and Orders: 23 March 2023

Rule involved Rule 131(a) – Careless Riding

REASONS FOR DECISION

The Panel

1. On 16 March 2023, Stewards charged apprentice jockey Mr Reece Jones (**the Appellant**) with a breach of AR131(a) of the Australian Rules of Racing, alleging careless riding of his mount The Escape in race 2 run at Gosford that day. The particulars of the alleged breach were that “*approaching the 150 metres [the appellant] made insufficient effort to prevent [his] mount shifting outwards into the line of Kaziad, which had to be steadied.*”
2. The Appellant pleaded not guilty to breach of the rule, but having heard submissions and watched the film, the Stewards found him in breach. Applying the Careless Riding Penalty Template, the Appellant’s licence to ride in races was suspended for 4 meetings. He has appealed against the finding of breach, and the penalty imposed. At the appeal hearing, Racing NSW was represented by Mr C Albrecht, while the appellant represented himself. An appeal book with the transcript of the Inquiry was tendered, as was film of the race.

3. The appeal turns on one question – did the appellant straighten his mount in a sufficiently timely manner when it began to shift out in the straight?
4. The appellant stated that when his horse started to drift out, he went to straighten it first by using the whip as guidance. Unfortunately, while in the process of doing this, the horse shifted out more dramatically and quickly. At that point, the appellant commenced to straighten his mount, which at the time was leading.
5. The appellant’s explanation is corroborated by the film. With the benefit of hindsight, it would have been better if the appellant had always kept two hands on the reins. This would have allowed him to more quickly straighten his horse when it shifted out more dramatically. The appellant did not have the benefit of that hindsight, and we are not comfortably satisfied that he should be considered as culpable under the careless riding rule for attempting to steer or guide his horse at first with the whip, as at the point he chose to do that the horse was not shifting out as dramatically as it subsequently did. When the horse shifted or ducked out more quickly, the appellant did take appropriate action to straighten the horse.
6. While we can understand the Stewards’ view, and note that safety must be of paramount concern with AR131(a), in all the circumstances here we consider the interference caused to Kaziad to in this instance to have been caused by the racing manners of The Escape (a 2yo having its first start) rather than any carelessness on the appellant’s behalf. Given that, we would allow the appeal, and set aside the penalty.

Orders

7. The Panel makes the following orders:
 - (a) Appeal upheld.
 - (b) Finding of breach of AR131(a) set aside.
 - (c) Penalty of a 4-meeting suspension set aside.
 - (d) Appeal deposit to be refunded.