

APPEAL PANEL OF RACING NEW SOUTH WALES

IN THE MATTER OF THE APPEAL OF JOCKEY RAYMOND SPOKES

Heard at Racing NSW Offices

Appeal Panel: **Mr L. Vellis - Convenor; Ms J. Foley; Mr P. Losh**

Representatives: **Appellant - Mr W. Pasterfield, Solicitor for the Appellant**
Racing NSW - Mr S.G. Railton, Chairman of Stewards for Racing NSW

Date of Hearing: **30 August 2023**

Date of Reasons and Orders: **30 August 2023**

REASONS FOR DECISION

1. On 29 June 2023, licenced jockey Raymond Spokes (**Appellant**) rode the horse *Barcelona Express* in Race 5 Maiden Handicap at Ballina over 1,310 metres The horse finished 10th, beaten 6.21 lengths. It started at \$19.
2. Following the race, the Stewards conducted an inquiry into the appellant's ride. Evidence was given at that inquiry on the day of the race, and subsequently on 17 August 2023. The appellant was ultimately charged with a breach of AR 129(2) of the Australian Rules of Racing, which is in the following terms:

AR 129(2) A rider must take all reasonable and permissible measures throughout the race to ensure that the rider's horse is given full opportunity to win or to obtain the best possible place in the field.
3. Four particulars of breach of the rule were alleged. In summary it was alleged that:
 - (a) Between the 600 metres to the entrance to the straight when racing at the rear of the field, approximately three lengths behind *Mastermind* and *She's Soo Good*, he did fail to ride his mount with sufficient purpose and vigour to improve on his mount when it was reasonable and permissible for him to do so.
 - (b) From the entrance to the straight until near the 150 metres he did fail to ride his mount with sufficient purpose and vigour to improve into a run between *Majestical* and *Hadmytime* when it was reasonable and permissible for him to do so.
 - (c) From near the 150 metres until near the 50 metres he did fail to ride his mount with sufficient purpose and vigour to improve into a run between *Majestical* and *Alcoota Angel* when it was reasonable and permissible for him to do so.

- (d) In the alternative to particulars (b) and (c), he did, approaching and rounding the home turn, fail to shift his mount wider and follow either She's Soo Good or Victory Beans into the straight in an effort to provide his mount with a clear uninterrupted run to the finish line when it was reasonable and permissible for him to do so.
4. The Appellant pleaded guilty and was penalised with a suspension of his licence of four weeks. That penalty had been reduced from 6 weeks given the appellant is an apprentice (albeit an experienced one, with zero claim, having ridden about 200 winners in about 2000 races).
 5. The Appellant has appealed the severity of penalty imposed upon him. he was represented at the appeal by Mr W. Pasterfield solicitor. The Stewards were represented by Mr S.G. Railton, the Chairman of Stewards.
 6. The appeal book, containing transcript of the Stewards' Inquiry, was admitted into evidence as Exhibit A. Film of the race was admitted as Exhibit B. Oral evidence was also provided by the Appellant.
 7. The main thrust of Mr Railton's submissions were that there was simply insufficient vigour shown by the Appellant. That the Appellant was almost idle and not driving the horse forward when he should and could have.
 8. As well as identifying a lack of vigour, Mr Railton noted that there were clear opportunities the Appellant should have taken advantage of.
 9. It was accepted by all that *Barcelona Express* was an awkward mount and that the initial part of the race was difficult for the Appellant due to the horse's intractable disposition.
 10. Mr Pasterfield pointed to various matters in his defence of the Appellant, (i) including the fact that it was the first race in New South Wales for the horse, with it previously having raced in Victoria, (ii) the difficult the Appellant and track riders had in controlling the horse and (iii) the possible danger to the Appellant should he have been more vigorous.
 11. In this case however we do think the vigour shown by the Appellant was not sufficient, with the Appellant conceding in his oral evidence that he "clocked off" from the 600 metres onwards, showed little vigour and was not prepared to test the horse as his goal at that point was getting around the track safely. This is unacceptable, particularly for a rider of some 23 years experience. Not only was a a continued lack of vigour shown, there were opportunities to improve available. The horse was denied the opportunity of finishing in the highest placing it could.
 12. None of our findings are findings of any kind of dishonesty, or improper riding. This is simply a culpably bad ride. Taking into account the Appellant's guilty plea, the Panel is comfortably satisfied that the initial penalty imposed was appropriate.
 13. The orders of the Panel are:

- (a) Appeal against severity of penalty for breach of AR 129(2) dismissed.
 - (b) Penalty of a four week suspension of the Appellant's license to ride confirmed, with the Appellant's licence to ride suspended from Tuesday, 5 September 2023 until Tuesday, 3 October 2023, on which day he may ride.
 - (c) Appeal deposit to be forfeited.
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