

**TRNT Appeals Committee**

**APPEAL of Apprentice Jockey A  
Lindsay**



**APPEAL COMMITTEE: Mr P McIntyre (Chair),  
Mr S J Stirling**

**DATE of HEARING: 6 July 2021**

## **REASONS FOR DECISION**

### **Appearances**

At the Appeal:

- a. Mr D Hensler represented the Stewards.
- b. Mr G Clarke (Trainer) represented Apprentice Jockey A Lindsay.
- c. Apprentice Jockey A Lindsay was also present in person.

### **Background**

1. Apprentice Jockey A Lindsay appealed against a conviction for careless riding.
2. The particulars of the breach were that when riding in Race 2 at the Darwin Turf Club on 26<sup>th</sup> June 2021 (the Race) Apprentice Jockey A Lindsay permitted her ride to shift inwards when not clear near the 950m mark that resulted in *Nicantellya* ridden by Apprentice Jockey D Stanley being tightened for room and restrained.
3. At the Stewards Inquiry conducted after the running of Race 3 at the Darwin Turf Club on 26<sup>th</sup> June 2021 Apprentice Jockey A Lindsay was assisted by Trainer Mr G Clarke.
4. Apprentice Jockey A Lindsay filed a Notice of Appeal dated 29 June 2021 seeking to have the conviction set aside.

5. The Grounds of Appeal relied on at the hearing of the Appeal (simply stated) are that Apprentice Jockey A Lindsay was not careless as alleged because:
  - i. At the time that Apprentice Jockey A Lindsay committed to crossing her mount to the rail it was clear of *Nicantellya*; and
  - ii. That after Apprentice Jockey A Lindsay had so committed, Apprentice Jockey D Stanley drove his mount forward carelessly causing the incident; or
  - iii. At least contributing to the incident (the Grounds).
6. Prior to the hearing of this appeal the Appeals Committee had the benefit of considering:
  - i. the Notice of Appeal.
  - ii. the transcript of the Stewards Inquiry conducted after the running of Race 3 at the Darwin Turf Club on 26<sup>th</sup> June 2021 (the Transcript).
  - iii. TRNT Stewards Report dated 25 June 2021.
7. At the hearing of this appeal, it was agreed that the video recording of the Race (the Video) would be shown to the Appeals Committee at the outset.

### **Considerations on the Appeal**

8. At the hearing of the appeal on the Appeals Committee both Mr G Clarke and Mr D Hensler took the opportunity to make submissions to the Appeals Committee about:
  - i. What it should conclude based on the evidence recorded in the Transcript; and
  - ii. What it should conclude based on the Video.
9. At the hearing of the appeal the following matters were common ground between the parties:
  - i. That a rider shifting inwards to the rail is obliged not to do so unless there is a margin of at least 2 lengths clear of a mount following; and
  - ii. That the Video revealed That Apprentice Jockey A Lindsay
    - a. was clear at the time of her initial decision to shift inwards;
    - b. looked toward *Nicantellya* as she shifted her mount

inwards to check her clearance 3 times before completing the three-stage manoeuvre.

- c. That Transcript revealed that the Stewards had heard and understood the argument set out as the Grounds at the time of the Inquiry, considered it and ultimately rejected it.

10. Mr Clarke and Apprentice Jockey A Lindsay submitted to the Appeals Committee that the Video revealed that on each occasion when Apprentice Jockey A Lindsay checked her clearance her mount remained 2 lengths clear of *Nicantellya*.

11. Further, they submitted that even if that was not the case when Apprentice Jockey A Lindsay moved to complete the manoeuvre, any lack of clearance at that stage was caused because Apprentice Jockey D Stanley had carelessly pressed his mount forward when it was unsafe to do so.

12. Mr Hensler submitted that the Video revealed that only on the first occasion when Apprentice Jockey A Lindsay checked her clearance, was her mount 2 lengths clear and that in any event the responsibility remained with Apprentice Jockey A Lindsay not to complete her manoeuvre after the final check unless her mount remained 2 lengths clear.

13. Ultimately, the Appeals Committee accepted the submission of Mr Hensler set out in paragraph 12 above.

14. The allegation against Apprentice Jockey D Stanley referred to in paragraph 11 above was advanced by Mr Clarke during the Stewards Inquiry and was squarely put to Apprentice Jockey D Stanley by Mr Hensler as recorded at pages 8 and 9 of the Transcript.

15. Clearly, the Stewards accepted the straight-forward denial of the allegation against him by Apprentice Jockey D Stanley. The Stewards were entitled (and uniquely placed) to assess and to accept the honesty and candour of Apprentice Jockey D Stanley.

16. In any event the Appeals Committee could see nothing in the Video contradictory of the testimony given to the Stewards Inquiry by Apprentice Jockey D Stanley.

17. During the hearing of this appeal, Mr Clarke and Apprentice Jockey A Lindsay urged the Appeals Committee to conclude that Apprentice Jockey D Stanley was not entitled nor permitted to

urge his mount forward once Apprentice Jockey A Lindsay decided to commence her manoeuvre. Mr Clarke offered an analogy illustrated by motor vehicles shifting lanes on a highway, asserting that the shifting vehicle has an entitlement to move into a gap in an adjoining lane ahead of a motor vehicle behind and that the latter vehicle is not permitted to close the gap once the shifting vehicle has indicated its intention.

18. The Appeals Committee determined that the motor vehicle illustration was not analogous, not the least because the Rules of Racing specifically prohibit a rider from shifting in unless 2 lengths clear, as was common ground between the parties.

19. The Appeals Committee considers that it is important and timely to remind Trainers, Jockeys and the racing industry generally, that contributory carelessness of one Jockey (which is, in any event not established in this appeal) does not absolve other Jockeys from their obligations under the Rules of Racing.

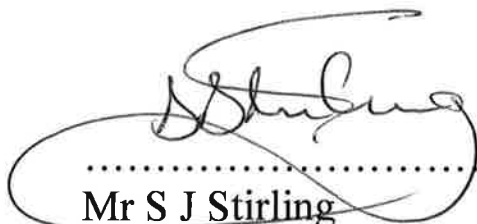
20. The appeal was dismissed on 6 July 2021 for reasons to be published. These are those reasons.

Dated the .....27<sup>th</sup>.....day of

.....August.....2021



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P F McIntyre (Chair)



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Mr S J Stirling