

TRNT Appeals Committee

APPEAL of Jockey S Tsaikos

APPEAL COMMITTEE: Mr P McIntyre (Chair) and Mr S Stirling.

DATE of HEARING: 15 July 2024

REASONS FOR DECISION

### **Appearances**

1. At the Appeal;
  - a. Mr D Hensler represented the Stewards.
  - b. Jockey S Tsaikos represented himself.

### **Materials Relied Upon by the Parties**

2. Prior to the hearing of this appeal the Appeals Committee had the benefit of considering:
  - a. An incomplete Notice of Appeal, undated, unsigned and containing no Grounds of Appeal but bearing the name of Jockey Stan Tsaikos (Incomplete Notice of Appeal).
  - b. The transcript of the Stewards Inquiry conducted on 29 June 2024 (Transcript).
  - c. A table entitled 'NT Careless Riding Penalties since March 2014 (the Penalties Table).
  - d. A table entitled Stan Tsaikos Personnel Incidents (the Jockey's Record).
3. The documents referred to at paragraphs 2 were accepted into evidence without objection.

### **Background**

4. At the Stewards Inquiry the Stewards particularised the alleged breach of Australian Rule 131 (a) as follows:

‘we allege that in race four when you rode Hallowed Ground, that you engaged in careless riding and that being that near the 200 meters whilst riding your mount along you permitted the gelding to shift inwards when insufficiently clear, resulting in Zoumist ridden by Aaron Sweeney being tightened for room and restrained.’<sup>1</sup>
5. The Stewards found Jockey Tsaikos guilty of the charge particularised.
6. At the conclusion of the Stewards Inquiry the Stewards informed<sup>2</sup> Jockey Tsaikos that:
  - a. They had concluded that his degree of carelessness was low.

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<sup>1</sup> See Transcript page 7.

<sup>2</sup> See Transcript page 10.

- b. They had concluded that the degree of interference was mid to high.
  - c. They had concluded that he does not have a good record.
  - d. They had taken into account his reservation of his plea.
  - e. They had taken into account that the suspension would include a feature race meeting.
- 7. Having taken all of the matters referred to in paragraph 4 the Stewards imposed a one race meeting suspension together with a \$500 fine.
- 8. Jockey Tsaikos lodged the Incomplete Notice of Appeal with the Chief Executive of Thoroughbred Racing NT simply complaining that the penalty imposed by the Stewards 'is excessive.'
- 9. At this hearing Jockey Tsaikos confirmed that he was not challenging the suspension but did challenge the imposition of the fine.

#### **Determination of this Appeal**

- 10. The Appeals Committee explained to Jockey Tsaikos that in its opinion this matter should not have come on before the Appeals Committee without a Notice of Appeal having been properly completed with a date, a signature and identified grounds of appeal.
- 11. The Appeals Committee informed Jockey Tsaikos that because this appeal was not properly brought they intended to conclude that it should be dismissed.
- 12. Despite this, the Appeals Committee gave Jockey Tsaikos an opportunity to submit what he would have submitted had the appeal been properly instituted.

#### **Submissions of the Appellant**

- 13. Jockey Tsaikos submitted that:
  - a. the Stewards should not have determined that the degree of interference was mid to high because his mount did not clip the heels of Zoumist; and Zoumist did not 'dip' when hampered.
  - b. It was not ethical and fair that the fine imposed by the Stewards upon Jockey Luximon for offending in the ROANT Cup was not given the same fine.
- 14. Jockey Tsaikos was unable to direct the attention of the Appeals Committee to any Stewards decisions in support of his submission at paragraph 13. a. nor to provide any support for his assertion described at paragraph 13. b.

#### **Submissions of the Stewards**

- 15. Mr Hensler submitted that the submissions of Jockey Tsaikos set out in paragraph 13 were unmeritorious and that the penalty imposed by the Stewards not only complied with the Stewards Guidelines for Appeals but that an examination of Penalties Table reveals that

the penalty imposed was consistent with the range of penalties imposed for equivalent offending since March 2014.<sup>3</sup>

### **Conclusions of Appeals Committee**

16. This Appeals Committee concludes that even had this appeal been properly instituted and had Jockey Tsaiikos pursued the grounds of appeal set out in paragraph 13-14 above we would have agreed with the submissions of Mr Hensler set out at paragraph 15 above and rejected the submissions of Jockey Tsaiikos as having no merit.

17. On 15 July 2024 this Appeals Committee dismissed the Appeal for reasons to be published.

18. These are those reasons.

Dated the 22<sup>nd</sup> day of April 2025



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P F McIntyre (Chair)



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Mr S Stirling

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<sup>3</sup> Mr Hensler directed the attention of the Appeals Committee in particular to penalties disclosed on pages 4-5, 10, 13, 16-17 of the Penalties Table.