

TRNT Appeals Committee

APPEAL of Jockey A Sweeney

APPEAL COMMITTEE: Mr P McIntyre (Chair) and Mr C McNally

DATE of HEARING: 16 January 2025

REASONS FOR DECISION

Appearances

1. At the Appeal:
 - a. Mr D Hensler represented the Stewards.
 - b. Mr K Ring represented Jockey A Sweeney who was also present.
 - c. The Appeal Committee was assisted with video equipment in Darwin.

Materials Relied Upon by the Parties

2. Prior to the hearing of this appeal the Appeals Committee had the benefit of considering the following documents (the Documents):
 - a. The Notice of Appeal filed by Jockey A Sweeney on 23 December 2024 (Notice of Appeal).
 - b. The transcript of the Stewards Inquiry conducted on 21 December 2024 (Transcript).
 - c. The TRNT Stewards Report dated 21 December 2024 (Report).
 - d. A table entitled 'NT Careless riding penalties from March 2014 (Penalties Table).
3. At the hearing of this appeal the Appeals Committee also had the benefit of considering video recordings of Race Two (Video Footage) and both parties took the opportunity to direct the attention of the Appeals Committee to various aspects of the Video Footage.
4. The documents referred to at paragraphs 2 and 3 were accepted into evidence without objection.

Background

5. Jockey A Sweeney appealed against the severity of the penalty imposed by the Stewards at the conclusion of their Inquiry on a charge under AR 131(a) of engaging in careless riding.
6. The particulars of the breach as disclosed at page 6 of the Transcript are as follows:
'when you rode Down the Wicket, approaching the 650 metre mark, you permitted that gelding to shift inwards, which insufficiently clear, resulting in Iz Shaft ridden by S Tsaikos being crowded for room and restrained.'

7. Jockey A Sweeney pleaded guilty to the charge.
8. The penalty imposed upon Jockey A Sweeney was a suspension his licence to ride in races for a period of two NT meetings to commence midnight on the 21 December 2024 and to expire after midnight on 4 January 2025.
9. In his Notice of Appeal Jockey A Sweeney sought
 - a. A stay of proceedings pending the hearing of the appeal (Stay Application); and
 - b. To establish that the penalty imposed should be set aside as excessive.
10. The Stay Application was not resisted by the Stewards and was granted by the Appeals Committee.

Submissions of the Appellant

11. On behalf of Jockey A Sweeney Mr K Ring submitted that [contrary to the conclusions of the Stewards that the level of carelessness was in the low to mid-range and the degree of interference in the mid-range] the level of carelessness should have been assessed 'at the very low end of the scale' and that the incident 'involved minimal interference'.
12. Mr K Ring further submitted that support for his submissions could be found in the Video Footage.

Submissions of the Stewards

13. On behalf of the Stewards, Mr Hensler submitted that the Video Footage demonstrates that:
 - i. Interference did occur when Down the Wicket, ridden by Jockey Sweeney, shifted inwards as particularised in paragraph 6 above;
 - ii. Such interference caused Iz Shaft, ridden by Jockey S Tsaikos, to be checked and lose ground; and
 - iii. Supports the conclusions of the Stewards set out in paragraph 11 above.
14. Mr Hensler also submitted that the Stewards took into account, in his favour, the early plea of guilty by Jockey Sweeney.¹
15. Mr Hensler also submitted that the Stewards took into account the prior record of Jockey Sweeney which was not favourable². Notably, he pointed out, the Penalties Table reveals that this was the fifth occasion that Jockey Sweeney had been guilty of careless riding since 8 July 2023.

¹ See page 8 of the Transcript.

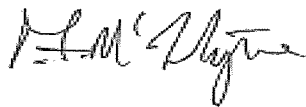
² See page 8 of the Transcript.

16. Finally, Mr Hensler submitted that the penalty imposed was consistent with other penalties for similar offending set out in the Penalties Table.

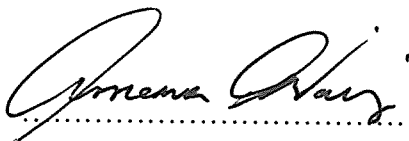
Consideration of Submissions and determination of the Appeal

17. Having viewed the Video Footage, the Appeals Committee were comfortably satisfied that the submissions of Mr Hensler set out in paragraph 13 above were correct.
18. Mr K Ring was not able to identify anything in the Penalties Table that might challenge the submission of Mr Hensler set out in paragraph 16 above.
19. Nor was Mr K Ring able to challenge the submission of Mr Hensler set out in paragraph 15 above.
20. It follows that the Appeals Committee was not persuaded to accept the submissions of Mr K Ring referred to in paragraphs 11 and 12 above.
21. On 16 January 2025, the Appeals Committee dismissed the Appeal for reasons to be published.
22. These are those reasons.

Dated the 13th day of May 2025



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P F McIntyre (Chair)



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Mr C McNally