

TRNT Appeals Committee

APPEAL of Jockey C Spry

APPEAL COMMITTEE: Mr P McIntyre (Chair) and Mr R Longuet.

DATE of HEARING: 1st February 2019

REASONS FOR DECISION

Appearances

At the Appeal;

- a. Mr D Hensler (Chief Steward) represented the Stewards.
- b. Mr K Ring represented Jockey C Spry who also attended.

Background

1. Jockey Spry appealed against a decision of the Stewards made on 8th December 2018 finding him guilty to a charge under AR137(b) in that in race 4 Laser Clinic TROBIS Handicap on 8th December 2018 he failed to ride his horse out to the end of the race. A fine of \$300.00 was imposed.
2. Jockey Spry filed a Notice of Appeal seeking to have the conviction set aside and alternatively the penalty reduced.
3. At the hearing Jockey Spry exhibited film footage of Jockey J McDonald riding Yucatan in race 10 at Caulfield on 13th October 2018.
4. At the hearing Mr Hensler tendered ;
 - a. Email correspondence between himself and a Mr Rhett Cook dated the 11th and 12th December 2018 respectively.
 - b. A National Penalties Table 'between 20 October 2018 and 7 December 2018.
 - c. C Spry Queensland Personnel Incident Report.
 - d. C Spry Northern Territory Personnel Incidents Table.

Orders

5. On 1st February 2019 the TRNT Appeals Committee upheld the appeal against conviction for reasons to be subsequently published. These are our reasons for that decision.

Reasons

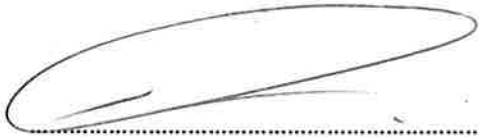
6. At the hearing the following factual matters were common ground between Mr D Hensler and Jockey Spry ;
 - a. Jockey Spry did not ride his mount Divine Red 'out 100% to the line';
 - b. Jockey Spry did restrain 'the horse over the final sections of the race';
 - c. Such restraint occurred over the last 20-25 metres of the race;
 - d. At a time of the restraining Divine Red commanded a lead of approximately 5 lengths;
 - e. No other horse was put at risk or otherwise affected by such restraint of Divine Red;
 - f. Divine Red ultimately won by a margin of approximately 3 lengths;
 - g. The phrase 'ride his horse out' in AR137 (b) should not be interpreted to mean that in all circumstances a jockey must always 'ride his horse out' '100% to the line'.
7. The Appeal Committee viewed film of race 4 Laser Clinic TROBIS Handicap on 8th December 2018. That film confirmed for the Appeal Committee the factual matters set out in paragraphs 6 a. to 6 g. above.
8. The Appeal Committee did not derive much assistance from the viewing of the film footage referred to in paragraph 3 above. That is because, whilst it was clearly a race in which Jockey McDonald failed to ride his horse out to the end of the race, the circumstances of that offending were vastly different to the circumstances of this matter. In particular, none of the matters set out in paragraphs 6(d)-6(f) applied.
9. At the appeal hearing Mr Ring submitted that AR137 (b) should be interpreted to mean that a Jockey should not 'unreasonably in the circumstances' restrain his mount prior to completion of the race.
10. He further submitted that in the context of the matters set out in paragraphs 6 a. to 6 g. Jockey Spry's conduct was not unreasonable and he should not have been charged.
11. At the appeal hearing Mr Hensler submitted that AR137(b) permitted a Jockey to;
 - a. Allow his mount to diminish its speed without physically restraining it;
 - b. Provided that that did not either;
 - i. Have an effect upon placings; or
 - ii. Did not create a risk to other Jockeys or their mounts.
12. He further submitted (relying upon the correspondence referred to in paragraph 4(a) above) that the conduct of Jockey Spry could have had an impact in terms of the handicapping of other horses.
13. The Appeal Committee considers that the submissions of Mr Hensler at paragraph 11 support the submissions of Mr Ring at paragraph 9.
14. Furthermore, the Appeal Committee can see no reason to read into AR137 (b) words to the effect of paragraph 11(a) and 11(b).
15. No doubt there will be a wide range of circumstances in which it is entirely proper and appropriate for a Jockey to physically restrain the pace of his or her mount and even to bring the horse to a stop prior to completion of the race. Those circumstances may include occasions when such Jockey is confronted by injury or accident involving his or her mount or that of another Jockey.
16. We agree with the submission of Mr Ring set out at paragraph 9 above.
17. Further, we conclude that the conduct of Jockey Spry in race 4 Laser Clinic TROBIS Handicap on 8th December 2018 in restraining his mount was not unreasonable in the circumstances.

18. Accordingly, we upheld the appeal against conviction and the imposition of a \$300.00 penalty is overturned.

Dated the 3rd day of April 2019



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P F McIntyre (Chair)



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R Longuet