

TRNT Appeals Committee

APPEAL of Jockey S Tsaikos

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

DATE of HEARING: 19th July 2018

REASONS FOR DECISION

Appearances

At the Appeal;

- a. Mr D Hensler represented the Stewards.
- b. Jockey S Tsaikos represented himself.

Background

1. Jockey Tsaikos appealed against a decision of the Stewards made on 14th July 2018 relating to his ride in Race 4 that day (Mighty Mick). Jockey Tsaikos pleaded guilty to a charge of careless riding under AR137(a) and his license to ride was suspended for 1 NT meeting to expire after 18th July 2018 and he was also fined the sum of \$500.00.
2. Jockey Tsaikos filed a Notice of Appeal on 16th July 2018 seeking an order setting aside the penalty as excessive.
3. At the hearing Mr D Westover tendered the following documents;
 - a. A document headed 'TRNT Stewards Guidelines for Careless Riding' [Exhibit 1](Stewards' Guidelines);
 - b. A document headed 'NT Careless riding penalties from March 2014'. [Exhibit 2] (Penalties Schedule);
 - c. A document headed 'Stan Tsaikos- Personal Incidents' [Exhibit 3] (Suspension History)
 - d. Transcript of Proceedings of Stewards Inquiry 14th July 2018 [Exhibit 4] (Transcript).

Orders

4. On 19th July 2018 the TRNT Appeals Committee dismissed the appeal for reasons to be subsequently published. These are our reasons for that decision.

Reasons

1. At the Appeal we observed recorded video vision of the race on a number of occasions and both Mr Hensler and Jockey Tsaikos commented upon various aspects of the vision in support of their respective submissions.
2. Both parties also made submissions by reference to each of the Stewards' Guidelines, the Penalties Schedule and to the Suspension History.
3. Jockey Tsaikos submitted that the penalty imposed upon him by the stewards was excessive having regard to;

- a. The degree of carelessness; [He argued that it should have been considered 'low-mid' rather than 'mid-high' as found by the Stewards]
 - b. The degree of interference; [He argued that it should have been considered 'low' rather than 'mid-high' as found by the Stewards]
 - c. His careless riding record;
 - d. Because the Stewards failed to properly consider his early plea of guilty; and
 - e. Because the Stewards imposed a fine as well as a suspension.
4. Having observed the recorded video vision of the race and having considered the content of the Transcript we were not persuaded that there was any reasonable basis to support the submissions referred to at paragraphs 3 a. and 3 b. above. Clearly, the conduct of Jockey Tsaikos caused Jockey Tyndall's mount (Powerstretcher) to lose position in the race.
 5. The Suspension History discloses that in the twelve months prior to 14th July 2018 Jockey Tsaikos was on five separate occasions suspended following conviction for careless riding under AR137(a). Reference to the Steward's Guidelines reveals that Jockey Tsaikos has a 'Poor record' as defined therein. There is no reasonable basis to conclude otherwise and we reject the submission referred to in paragraph 3 c. above.
 6. Contrary to the submission of Jockey Tsaikos the Transcript reveals that the Stewards did in fact consider his early plea of guilty. At page 11 of the Transcript Mr Hensler is recorded as having said;

'Your record is a poor one but you pleaded guilty to the charge and we acknowledge that. This time of the year Mr Tsaikos during the carnival we also consider issuing fines in addition to a careless riding suspension but we are mindful to that it is a feature time of the year, so any meeting that you miss now is obviously a big meeting so to speak. So we believe that two meetings was the appropriate penalty to start at but we have reduced that by one because of your guilty plea but it is our intention to issue a fine as well so it is a one meeting suspension and it is a five hundred dollar fine.'

7. We do not accept the submission referred to in paragraph 3 d. above.
8. In the last paragraph of the Steward's Guidelines the practice of imposing fines as well as suspensions is described and with some rationale provided. We find the rationale sensible and the practice reasonable.
9. Neither the imposition of a fine in addition to the suspension nor the magnitude of the fine are unusual. Both are consistent with comparable penalties set out in the Penalties Schedule.
10. We take this opportunity to include that paragraph in these reasons;

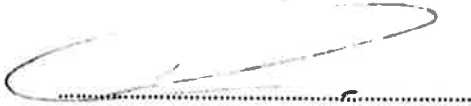
'Finally, Stewards will give consideration to issuing a fine in addition to an increased term of suspension for cases of high level careless riding and during feature race meetings. History has shown that when the stakes of a race increase so does the propensity for cases of careless riding. The same principles outlined above will apply in these cases but a firmer stance will be adopted by the Stewards to ensure feature race meetings which are showcased across the nation and overseas are not remembered for careless acts that compromise the safety and welfare of riders and horses.'

11. We reject the submission referred to at paragraph 3 e. above.
12. Jockey Tsaikos additionally submitted that;
 - a. he had had 1000 rides without suspension prior to the last twelve months; and
 - b. that because this is the first year that he has ridden in Darwin he was not aware of the Steward's Guidelines.
13. Neither of those submissions advance the argument that the penalty imposed by the Stewards was excessive.
14. For these reasons the appeal is dismissed.

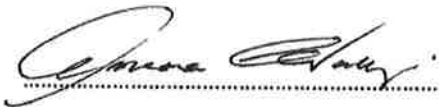
Dated theday of2018



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P F McIntyre (Chair)



R Longuet



C McNally