



APPEAL of VANESSA ARNOTT: AR 137(a)

Appeal Committee: Mr John Stewart (Chairman) and Mr Brett Dixon

Date of hearing: 16 May 2011

REASONS FOR DECISION

Australian Rule of Racing 137 deals with a jockey's conduct when riding in a race. It is in these terms:

“137. Any rider may be penalised if, in the opinion of the Stewards,

(a) He is guilty of careless, reckless, improper, incompetent or foul riding”

Jockey Arnott was dislodged from her mount “Kippsy” in the 0-63 Handicap over 1100 metres at Alice Springs on 30 April 2011. After conducting an inquiry, Arnott's Stewards determined that Jockey Arnott was responsible for the incident and found her guilty of reckless riding.

Jockey Arnott was stood down from riding for the rest of the day. Fortunately, she was not seriously injured and was able to honour rides 2 days later at another meeting on 2 May 2011. Stewards took those commitments into account when determining a penalty. They suspended her licence to ride in races for 1 month commencing at midnight on 2 May.

Particulars of the charge were that “in the opinion of the Stewards, rounding the home turn, you forced your mount between runners when there was insufficient room to do so. As a consequence of your actions, A Herrmann's mount *Giant Killer* and your mount *Kippsy* became unbalanced, resulting in you being dislodged”.

Jockey Carl Spry rode “Adoraball” in the race. He appeared at the Stewards' inquiry as did Jockey Amy Herrmann and Jockey Arnott. The “runners” referred to in the particulars of charge were “Adoraball” which was on the rails and “Giant Killer” on its outside. Jockey Spry told Stewards he was focussed on his own ride and wasn't aware of what was happening with the other horses.

At the inquiry Jockey Arnott claimed:

“I saw a run that I thought was big enough for me to go in there”;

“I got in there quite easily..... but she [Herrmann] did actually sort of push me back in – like tried to hold her ground”;

“I think both horses became unbalanced..... her horse because I bumped into her, but then she's

pushed back and tried to hold her ground”; and

“ And she just kept bumping and it was just – my iron hit the inside horse on the shoulder or on the back – I’m not sure where – and just flipped my foot out of the iron and then I was gone.”

Jockey Herrmann told Stewards there was no run for “Kippsy”. Jockey Arnott said: “if there’s absolutely no run, you can’t push through them.” Jockey Herrmann replied: “You turned me sideways, you forced a run”. She said “Giant Killer” became unbalanced when buffeted by “Kippsy” turning its hindquarters out and its forequarters in towards the rail thereby tightening the space which “Kippsy” was entering. She insisted that “Kippsy” was pushing “Giant Killer” and that “I’m allowed to hold my line”.

Jockey Arnott’s grounds of appeal were: “I do not consider that the charge of reckless riding is correct. I am appealing the severity of the sentence.” At the hearing of the appeal, the Stewards were represented by Mr Lindsay Lane, Chairman of Stewards. Mr Kevin Ring of the Australian Jockeys Association represented Jockey Arnott. Mr Ring participated by telephone. Jockey Arnott was present in person. The transcript of the Stewards’ inquiry was tendered. We viewed film of the race from several angles. We received the parties’ comments about the incident but they were of limited assistance. In the end we were able to reach our own conclusions mainly by reference to the film.

The appeal was directed to whether Jockeys Arnott’s conduct was “careless” (which she admitted) or “reckless” (which she disputed).

Mr Lane submitted these two definitions of “reckless” for the purpose of AR 137(a):

“without thought or care for the consequences of an action” and “indifferent to or disregarding of consequences”.

The definitions were not disputed. We consider that they provide some assistance in determining the meaning of the rule. To adopt a more precise shade of meaning, we think “reckless” is used in the sense of gross carelessness. It means showing such disregard for the safety of others as to be conduct deserving of more severe punishment than if the conduct was careless.

We are firmly of the view that Stewards correctly characterised Jockey Arnott’s conduct as reckless. There was insufficient room for “Kippsy” between the other two horses. Jockey Arnott attempted to force a run but it was still too tight even when “Kippsy” got between the other two horses. Key evidence at the Stewards’ inquiry was Jockey Arnott’s statement that “ I thought it was going to be tight, but I just thought Amy might shift off a bit.” As it was, Jockey Amy Herrmann legitimately attempted to keep her mount on line. Something had to give. That “something” was Jockey Arnott who was dislodged.

Mr Ring submitted that it was just another bumping/jostling incident which is a normal part of race riding. We reject that submission. Jockeys should not regard conduct of that kind as normal. We accept that bumping and jostling can sometimes be tolerated but not when a rider forces a horse into a passage which, as in this case, remains too narrow.

Jockey Arnott forced the run and in so doing courted the risk which eventuated. In our opinion AR 137(a) is designed to eliminate such an unacceptably high risk to horses and jockeys. The appeal as to guilt is dismissed.

Material produced by Stewards suggests that in most cases riders found guilty of reckless riding have received 4 weeks suspension. Other circumstances which should be considered when

making a decision about penalty include the gravity of the breach of the rule and the jockey's record.

The offence occurred on a major race day in Alice Springs. Unfortunately there were several other accidents in races that day which did not reflect well on the riders who were involved. On these high profile days local jockeys should try even harder to ensure that the rules are complied with, thereby ensuring that racing is fair and competitive but without compromising safety. This was another bad example of horsemanship on such an important day.

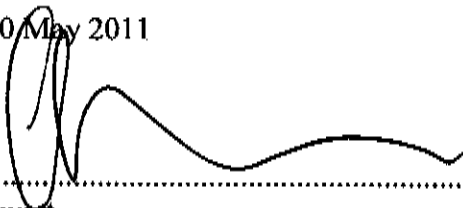
In our opinion the recklessness was significant as it must be to justify the finding of guilt. On the other hand such conduct appears to be uncharacteristic of Jockey Arnott. She has a comparatively good record as a rider. She is a Northern Territory jockey and her record reveals that she has not been found guilty of a riding offence since August 2006.

In our view, taking everything into account Jockey Arnott's record warrants some relief from the usual penalty for this offence.

This is our decision:

- 1) Appeal as to guilt dismissed.
- 2) Appeal as to penalty upheld; the period of suspension is reduced to 3 weeks expiring at midnight on Monday 23 May 2011.
- 3) The appeal deposit will be retained.

Dated: 20 May 2011



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John Stewart
Chairman