



APPEAL of JAN CAMERON

APPEAL COMMITTEE: Mr John Stewart (Chairman) and Mr Charles Burkitt

DATE OF HEARING: 15 May 2014

REASONS FOR DECISION

Background

1. Jockey Jan Cameron appealed against a decision of the Stewards made on 5 May 2014 with respect to her ride in the SKY Racing 0-66 Handicap earlier that day. She was found guilty of careless riding under AR 137(a) and her licence was suspended from midnight on 8 May 2014 up until and including 25 May 2014.
2. The appeal was confined to the severity of the penalty. Jockey Cameron also sought a stay of proceedings pending the hearing of the appeal.

Orders

3. On 9 May 2014 we refused the request for a stay and gave these reasons:
"It appears that Jockey Cameron was granted a deferment under NTR 17 but was unaware of it. The Appeal Panel will not make any findings about that dispute until after the appeal hearing.
At any event, the Stewards' decision remains in force unless otherwise ordered: NTR 21. The appeal is limited to severity of penalty and the Stewards oppose a further stay. The appeal raises an issue about the effect of suspension upon a rider based interstate. Without pre-empting the outcome of the appeal it appears that the grounds are speculative and we are not satisfied that there [are] good reasons for granting a stay. The application is best dealt with by refusing a stay but expediting the hearing of the appeal."
4. On 15 May 2014 we upheld the appeal and confirmed the suspension but reduced it to the period expiring at midnight on Saturday 17 May 2014. These are our reasons for that decision.

Reasons

5. The facts were not in dispute. Particulars of the charge were that near the 400 metre mark Jockey Cameron permitted her mount, "Trista Ruler", to shift inwards when insufficiently clear resulting in "Cross Constance" being bumped, tightened for room and restrained by its rider.
6. At the inquiry Jockey Cameron pleaded guilty. She explained to Stewards that "Trista Ruler" became unbalanced and rolled in as it was passing "Cross Constance". She

continued to push forward rather than just trying to straighten up the horse because she felt it might “hang and run about”. She conceded that “when I got past he just sort of did move in a bit”. Apprentice Kayla Cross, the rider of “Cross Constance”, informed Stewards that her mount suffered “quite a bad check” but there was evidence to the contrary from the rider of the following horse, Jockey Huppatz, who said he did not notice any interference.

7. At the appeal, Mr Hensler, Chairman of Stewards, appeared as did Jockey Cameron. We observed vision of the race and were satisfied that the particulars accurately described the circumstances of the offence. Stewards described the offence as mid-range; we felt that it was at the low end of mid-range for offences of that kind. It was clear that “Cross Constance” was tiring and, while any interference is a serious matter, the interference was slight. Jockey Cameron had attempted to negotiate a safe passage but, as was confirmed by her admission, she did not do enough.
8. Jockey Cameron’s record in the Territory goes back almost 5 years and only reveals one prior breach of AR 137(a). It was on 11 June 2011 at Darwin when riding the same horse, “Trista Ruler”. Additional breaches for careless riding were recorded at Oakbank, South Australia, on 5 April 2010 and at Great Western, Victoria, on 25 January 2014. The latter charge was in the low range and the suspension was for 6 days (a total of 7 meetings, 3 city and 4 provincial).
9. The decision on 5 May 2014 is recorded in the transcript of the Stewards’ inquiry:
“The decision of the stewards is to suspend your licence commencing at midnight Thursday 8 May up until and including 25 May 2014, so in effect two Alice Springs meetings....”.
10. Careless riding is viewed as a particularly serious offence. It threatens the aim of conducting each race as truly and as safely as possible. A period of suspension is generally warranted, reflecting the gravity of the offence and the value of deterrence. We were not satisfied that the penalty in this case of suspension for 2 race meetings was erroneous. To the contrary, it was entirely appropriate having regard to the circumstances of the offence, the rider’s antecedents and her early plea of guilty. Even so, had it not been for the breach at Great Western earlier this year, we may have come to the view that suspension for 1 meeting would have been reasonable.
11. However, we disagree with the Stewards’ calculation of the period sufficient to encompass suspension for 2 meetings. We were informed that race meetings were held at Darwin on 10 May 2014, at Tennant Creek and Katherine on 17 May 2014, at Darwin on 24 May 2014 and at Alice Springs on 25 May 2014. As noted above, in this case the Stewards only referred to the effect of the rider missing 2 of the 4 scheduled race days during the period of suspension. Given that the rider was an interstate visitor, there was no apparent reason for the erroneous conclusion that the loss of opportunity should be limited to the race meetings scheduled for Alice Springs and Tennant Creek. Our order reflected suspension for the 2 race days of 10 and 17 May.

Parity

12. As already observed, Jockey Cameron has a record of riding in the Northern Territory for almost 5 years. She is presently based in Victoria. When informed that her licence was suspended for 2 meetings, she raised an issue of parity, submitting to Stewards that the

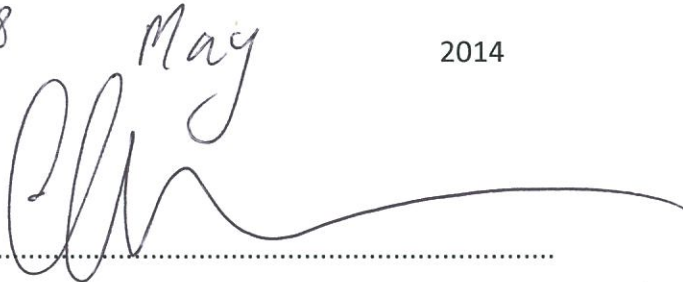
suspension would cost her about 8 race meetings in Victoria and that it was “kind of unfair”. We hope that this explanation will be useful.

13. At the appeal, Jockey Cameron submitted that there is at least one thoroughbred race meeting every day in Victoria. It was easy for us to verify that submission by reference to the racing calendar.
14. As occurs in all States and Territories, riders in the Northern Territory habitually travel to get rides. Several of the riders at Alice Springs on 5 May 2014 were engaged for the subsequent meetings at Darwin on 10 May and at Alice Springs on 17 May. However, in comparison with their interstate counterparts, there are fewer opportunities in the Northern Territory.
15. Mr Hensler submitted that in Victoria the typical range of suspension for careless riding is about 10 days for a low range offence, 14 days for mid-range and 18 days for high range. An example cited was the suspension of Territory apprentice Ryan Mageean at Moonee Valley on 14 March 2014 – his licence was suspended for 13 days (15 meetings) for what was described as a high range offence in which his relative inexperience was a mitigating factor. We have taken a small sample of decisions by the Racing Appeals and Disciplinary Board in Victoria and it reveals suspensions in the range of 10 – 14 days for mid-range offences. It is unnecessary to make a properly based finding about the range of penalties in Victoria. To do that, we would need to explore the allowance made for the relevant circumstances in each case. A general impression is sufficient to make some informed comments about parity.
16. It is always desirable to achieve a consistent penalty for the same offence committed in similar circumstances. As noted above, the offence of careless riding generally merits a suspension of licence. The penalty is in the (temporary) deprivation of the opportunity to earn a living. It is reassuring to note that in this case there is broad consistency between the period of 12 days required to serve a penalty of suspension for 2 race meetings in the Northern Territory and the periods of suspension that are being imposed for mid-range offences in Victoria.
17. Because of the different volume of racing activity in each jurisdiction, a consistent outcome will not require comparison of the number of meetings missed in the period of suspension. Obviously, a suspension for the same period will usually involve the loss of opportunity to ride at a greater number of meetings in Victoria than in the Northern Territory. Trying to achieve consistency in the number of meetings missed for each rider wherever located could produce harsh and anomalous results. For example, apprentice Ryan Mageean would have had to serve a period of suspension of almost 2 months to miss 15 meetings in the Northern Territory: see paragraph [15] above.
18. An approximate consistency in the periods of suspension means that the effect upon riders in each jurisdiction is similar when viewed in proportion to their overall opportunities. But consistency at this level will not always be possible. Because racing in the Northern Territory tends to be more spasmodic, there will be a considerable variation in the period required to allow for the same number of race meetings from time to time throughout the year.
19. In the Appeal of Craig Moon (19.07.11 - page 3) we suggested that “it would be helpful if Stewards could expressly mention at each inquiry the potential impact of a period of

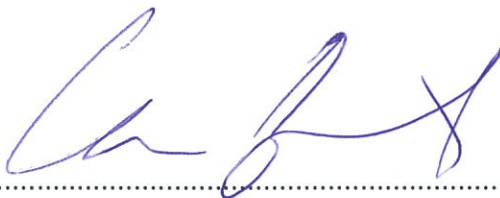
suspension on a rider's ability to ride at all Territory race meetings so that there can be no misunderstanding." That suggestion would have resulted in a clearer explanation of the penalty at the Stewards' inquiry. In making this observation, we stress that the objective is to let the rider know exactly where he or she stands. We do not necessarily mean that every race meeting in the Territory must always be counted as the loss of an opportunity.

20. Sometimes, to arrive at a just and meaningful penalty, it will be necessary to enquire into the opportunities that might have been exercised by a rider if not suspended whether in the Northern Territory or interstate. In addition, the potential impact of a suspension (location, number and grade of race meetings) may need to be taken into account.
21. As noted in paragraph [3] above, there was discussion at the Stewards' inquiry about a deferment under NTR 17. The deferment can be implied from the Stewards' decision: see paragraph [9] above but Jockey Cameron submitted to us that she was unaware of it. We did not regard this as a significant issue in our consideration of an appropriate penalty. However, it does give rise to another suggestion for the information of Stewards. When a deferment is granted, it would help to avoid confusion if the effect is explained to the rider in explicit terms and the application of NTR 17 is noted in the Stewards' report.
22. The appeal deposit will be refunded.

Dated: 28 May 2014



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John Stewart
Chairman



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Charles Burkitt