



APPEAL of JAN CAMERON – AR 137A

Appeal Committee: Mr John Stewart (Chairman) and Mr Charles Burkitt

Date of Hearing: 27 July 2012

Date of Decision 29 July 2012

REASONS FOR DECISION

We announced our decision on 29 July 2012. These are our reasons.

On 21 July 2012 Stewards found Jockey Cameron guilty of two breaches of AR 137A when riding “Dashing Harry” in the Maiden Plate at Fannie Bay earlier that day.

The first breach was that, contrary to AR 137A(5)(a)(i) and (ii), prior to the 100 metre mark Jockey Cameron had used the whip in a forehand manner in consecutive strides and more than on 5 occasions. Particulars were that she had used the whip on two occasions in consecutive strides and on 6 occasions.

The second breach was that, contrary to AR 137A(3), she had used the whip excessively; particulars were that the whip was used on at least 25 occasions in the straight.

At the Stewards’ inquiry, Jockey Cameron pleaded guilty to the first charge but not guilty to the second charge. On the first charge Stewards ordered that the jockey’s riding fee be forfeited. On the second charge her permit to ride in races was suspended for one meeting.

Jockey Cameron’s appeal was confined to the second charge. She challenged the finding of guilt and the penalty. She requested a stay of the penalty which we granted.

We observed the race video. It revealed backhand use of the whip from shortly after entering the straight. Stewards counted 8 strikes backhand followed by 6

strikes forehand before the 100 metres mark then 14 forehand strikes in the last 100 metres – a total of 28. The only issue was in relation to the backhand use where Ms Cameron admitted to 5 or 6 strikes and submitted that the Stewards counted “waves” (a wave is a swing that doesn’t make contact with the horse).

As we have observed in other cases it can be hard to tell whether some swings are a wave or a strike and again that was an element in this case. On the jockey’s own admission the total number of strikes was at least 25. At the Stewards’ inquiry she said: “I don’t believe I’m guilty of the second one because I do feel over the last hundred I should be able to do what I need to get my horse there when it was very close to winning”.

Chairman of Stewards, Mr Lane, told her: “We do concede that you are in contention, there is no doubt about that and the rule does give you discretion to use the whip in the last hundred metres but what we have consistently said is that we need to look at how much whip is being used in total and the Australian Jockey Association agrees and continues to say that less is best and if your(sic) using the whip break it up and don’t use too much whip and here we are with a horse being hit more than 25 times, we think, we struggle to find any circumstance where a horse should be hit more than 25 times.”

Jockey Cameron replied: I thought that was less is best, I broke it up quite a bit, there was only the two in [*succession*], I gave it a few backhanders, I missed strides. Then the last hundred.”

At the appeal hearing we received a written submission from Mr Kevin Ring, National Occupational Health & Safety Officer of the Australian Jockeys’ Association: “...if Jan Cameron can show that she broke her whip action up before the 100m then the charge of excessive use should be dropped. If she can’t, then the Board will view the appeal as they see fit.”

The remarks of Mr Lane and Mr Ring fairly reflect the content of the “Less is Best” guidelines which have been adopted in the Northern Territory as advice to riders about the way in which, generally speaking, the whip may be used backhand without it becoming “excessive” within the meaning of sub-rule (3). All riders have been given every opportunity to become familiar with that advice.

In our opinion, Jockey Cameron did not break up the use of the whip in a backhand manner sufficiently; the breaking up consisted at best of a wave between strikes which in our view is insufficient to demonstrate clearly that the rider is testing the horse by giving it an adequate opportunity to respond.

At the appeal hearing we mentioned that we wanted to make sure that, if the appeal was dismissed, there was no element of inappropriate double punishment

given that the charge of excessive use under sub-rule (3) included the same
forehand use that was contrary to sub-rule (5) (but not all aspects – sub-rule (5)
concerns not only the number of times that the whip is applied, but also the
manner in which it is applied).

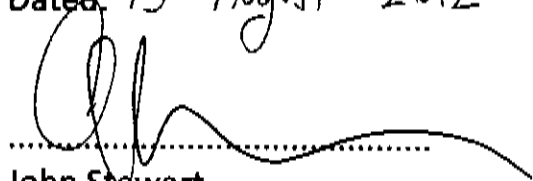
Jockey Cameron has a poor record of breaches of Rule 137A. Taking that record
into account, one meeting's suspension plus loss of riding fee is a standard
penalty for a breach of either of those two sub-rules. Although both of the sub-
rules have been breached, the overall penalty has not been increased beyond the
standard.

Jockey Cameron did submit that, although her record appears to be bad, she has
been working hard at improving her riding style as can be demonstrated by a
gradual reduction in the level of excessive strikes. We accept that submission and
give her credit for continuing to make an effort. However, we are not persuaded
to reduce the penalty imposed by the Stewards which we regard as very fair in
the circumstances.

In particular, the apportionment of the penalty fairly reflects the relative gravity
of the two charges.

The appeal is dismissed and the appeal deposit will be forfeited.

Dated: 13 August 2012

A handwritten signature in black ink, appearing to be 'John Stewart', written over a horizontal dotted line.

John Stewart
Chairman

Thoroughbred Racing NT