



APPEAL OF COLIN HADDON – AR 137(a)

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

Date of hearing: 6 May 2010

Our decision was made known to the parties on 6 May 2010. At the time we provided brief reasons. The following is by way of further explanation.

On Sunday 25 April 2010 Stewards found Jockey Colin Haddon guilty of careless riding and suspended his permit to ride for two race meetings. The conduct which attracted the attention of Stewards occurred when he rode “Honour Reign” in the 0-62 Handicap over 1600 metres at Fannie Bay earlier that day.

The particulars of the charge were: “At about the 1500 metre mark, you crossed from the outside to the fence when not sufficiently clear of *Monte Rocket* and *Slick Spirit*, causing severe interference to *Monte Rocket*, *Slick Spirit* and *Muggadi*.”

Jockey Haddon did not dispute the finding of guilt. He appealed on the grounds that the penalty was excessive. The transcript of the Stewards’ Inquiry was received in evidence. We also viewed the video film of the race. Jockey Haddon appeared in person; the Stewards were represented by Chairman of Stewards, Mr Lindsay Lane.

AR 137(a) is in these terms: “Any rider may be penalised if, in the opinion of Stewards, he is guilty of careless, reckless, improper, incompetent or foul riding.”

The film provided a sufficiently clear picture of what occurred. “Honour Reign” was drawn widest of 7 runners. Jockey Haddon took up a forward position and comfortably came across the 2 runners immediately to his left. Looking inside he continued crossing but, in so doing, inconvenienced “Monte Rocket” which reacted by taking up the galloping room of “Slick Spirit” and “Muggadi”. We found that “Honour Reign” was only about a length ahead of “Monte Rocket” when crossing. Two lengths is generally regarded as a safe margin.

Jockey Haddon said that he didn’t intentionally cause interference to “Monte Rocket”. He explained that he thought his mount was sufficiently clear of “Monte Rocket” so that it was safe to slacken the pace. He said that at the same time the rider of “Monte Rocket” was either “firing up” or, alternatively, unable to hold his mount whereas he should have eased up to take a position behind “Honour Reign”.

We were unable to accept Jockey Haddon’s submission. We felt that the rider of “Monte Rocket” was entitled to ride as he did. Jockey Haddon was required to ensure that the horses inside had sufficient room before taking up their line of running. We emphasize that Jockey Haddon was charged with careless riding. It is not alleged that he caused deliberate interference.

As a result of Jockey Haddon's actions, "Monte Rocket" and the other horses inside were exposed to significant danger. The crowding was such that it appeared momentarily that a horse might be pushed over the fence. We regarded the interference as blatant and severe.

The rule is extremely important and should never be taken lightly. It is designed to reduce the risk to jockeys and horses.

The average breach of the rule normally merits a penalty of suspension for two meetings. In our view this particular breach was towards the upper end of the scale of severity. Jockey Haddon's record in the Territory does not entitle him to special lenience.

On his application Jockey Haddon was granted a stay of proceedings pending determination of the appeal. The stay allowed him to ride at the Alice Springs Pioneer Sprint and Cup meetings on 30 April and 2 May.

At the Stewards' inquiry, Steward Mr Merritt told Jockey Haddon he would support an application for a stay. He said: "If the club came to us and asked us for an opinion, we'd have no difficulty in allowing you to ride in Alice Springs and serving your two meetings in Darwin".

On appeal Mr Lane submitted that an appropriate penalty would be three meetings. Considering what Mr Merritt said at the inquiry we thought Mr Lane's submission was quite audacious.

Nevertheless, we are entitled to set the penalty which we regard as appropriate, whether more or less than the penalty imposed by the Stewards. In doing so, we are not bound to adopt the submissions of either party. As it happens we are of the view that having regard to:

- a) The extent of the interference;
- b) Jockey Haddon's record in the Territory; and
- c) The effect of the stay

the appropriate penalty is 3 meetings.

We want to say something more about (c). It should not be presumed that a stay of proceedings will automatically be granted. Factors to be taken into account will include the nature and severity of the breach, the apparent strength of the case for appeal, any particular hardship likely to be suffered by the jockey pending determination of the appeal and the best interests of the sport of racing. Due regard should be had to the rules which should be applied in a fair and reasonable manner. We do not intend that collection of factors to be exhaustive. Each case will have to be considered on its merits and may call for consideration of some of these factors or different factors.

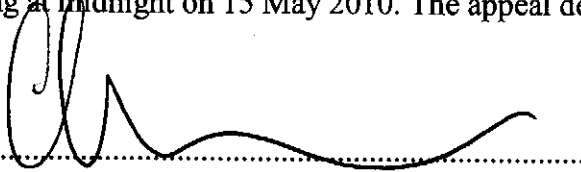
In making these observations we recognize that a jockey is, of course, perfectly entitled to invoke NTR 17 which provides for a deferment of no longer than 3 days where, at the time of commencement of the suspension, a jockey has officially been declared as the rider of a horse within that period. The Alice Springs race days did not fall within the period of deferment referred to in NTR 17. Jockey Haddon was not entitled to ask Stewards to apply that rule. He applied to us as the Principal Racing Authority for a stay in accordance with NTR 20.

It is of no importance now but, had we seen the video beforehand, we would have been less inclined to grant a stay. Nevertheless, a stay was granted. As mentioned above the stay allowed Jockey Haddon to accept rides at two significant race days in Alice Springs. When a jockey's suspension takes in major meetings it is not generally open to the jockey, by getting a stay, to, in effect, elect to miss the same number of ordinary meetings in substitution for those major

meetings.

In determining an appropriate period of suspension we will ordinarily have regard to the nature and quality of the meetings encompassed by the period of suspension. When major meetings are coming up jockeys wishing to fulfil their engagements should be particularly mindful of their obligation to ride within the rules. If they transgress and a period of suspension is imposed, an application for a stay will carry the risk that, if granted and the appeal fails, the period of suspension may be increased if eventually served in conjunction with race meetings of lower quality.

The appeal is dismissed. The penalty imposed by the stewards is increased to three meetings expiring at midnight on 15 May 2010. The appeal deposit is forfeited.



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John Stewart
Chairman
13 May 2010