

TRNT Appeals Committee

APPEAL of Jockey S Logan

APPEAL COMMITTEE: Mr P McIntyre (Chair), Mr G Aldam

DATE of HEARING: 13 November 2023

REASONS FOR DECISION

### **Appearances**

1. At the Appeal;
  - a. Mr D Hensler represented the Stewards.
  - b. Jockey S Logan represented herself.

### **Materials Relied Upon by the Parties**

2. Prior to the hearing of this appeal the Appeals Committee had the benefit of considering:
  - a. the Notice of Appeal dated 8.11.23 filed by Jockey S Logan (the Notice of Appeal).
  - b. the transcript of the Stewards Inquiry conducted on 7.11.23 (the Transcript).
  - c. TRNT Stewards Report dated 7.11.23 (the Report).
  - d. A table entitled 'NT Careless riding penalties from March 2014' (the Penalties Table).
  - e. A table entitled 'Sonja Logan -Personnel Incidents' (the Jockey's Record).
  - f. Footage of video recordings of Race Two Darwin Turf Club 7.11.23 were also presented and both parties drew the attention of the Appeals Committee to aspects of that footage (the Video).
3. The documents referred to at paragraphs 2 were accepted into evidence without objection.

### **Background**

4. Jockey S Logan appealed against a conviction imposed by the Stewards on 7.11.23 on a charge under AR 131(a) of engaging in careless riding.
5. The particulars of the breach as disclosed in the Transcript were as follows:

‘That in the second event when you rode City Regal you permitted your mount to shift inwards near the 700m when insufficiently clear, resulting in Emma Lines’ mount Surreal Image being crowded for room and restrained.’
6. The penalty imposed upon Jockey S Logan was that her license to ride in races was suspended for one NT meeting.
7. Jockey S Logan filed the Notice of Appeal 022 seeking a review of the penalty on the basis that it was excessive.

### **Submissions of the Appellant**

8. Jockey S Logan submitted that”
  - a. The Stewards failed to properly take into account her good record; and
  - b. It was inappropriate to impose a suspension for a low-grade interference in the circumstances of her good record.

### **Submissions of the Stewards**

9. Mr D Hensler submitted that an examination of the Transcript reveals that the Stewards did take into account the good record of Jockey S Logan, directing the attention of the Appeals Committee to the penalty remarks recorded at page 7 of the Transcript:

‘So, we believe in the circumstances, particularly with your good record, your very good record and your guilty plea that a suspension only should be imposed and that is for one meeting’.

10. Mr D Hensler also submitted that an examination of the Penalties Table reveals that the penalty imposed was consistent with the range of penalties imposed for similar offences.
11. Mr D Hensler referred the remarks of the Appeals Committee at paragraph 14 in the Reasons in the appeal of Davis published 17.8.17 adopting the earlier decision in the appeal of Cameron 27.7.12 as follows:

‘Careless riding is viewed as a particularly serious offence. It threatens the aim of conducting each race as truly and safely as possible. A period of suspension is generally warranted, reflecting the gravity of the offence and the value of deterrence.

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 license.’

### **Determination of this Appeal**

12. The Appeals Committee is of the opinion that the submissions of Jockey S Logan lacked any foundation, particularly in light of the submissions of Mr D Hensler.
13. The Appeals Committee accepts and adopts the submissions of Mr D Hensler.
14. On 13.11.23 the Appeals Committee dismissed the Appeal for reasons to be published.
15. These are those reasons.
16. The Appeals Committee takes this opportunity to remind Jockeys, those that advise them and the racing industry generally that the Stewards’ Penalty Guidelines are pinned up in

all Jockeys' Rooms. An appropriate understanding of those guidelines would (or at least should) reduce the unfortunate number of appeals to the Appeals Committee that are futile.

17. Futile appeals unnecessarily increase the costs of the administration of the racing industry in the Northern Territory to the disadvantage of all involved in it.
18. The Appeals Committee recommends that all Jockeys take the time to read or to re-read the Stewards' Penalty Guidelines.
19. During this appeal, the Appeals Committee, as a result of its consideration of the Video, mentioned to the parties that, on one view of the footage it appeared possible to the Appeals Committee that in addition to the particulars of offending described in paragraph 5 above, that there was also interference with Strategic Phil. If that was in fact the case then the offending was not merely of 'only one rider' and would have been unlikely to have been assessed as merely 'low to mid'.
20. Nevertheless, for the purposes of this appeal, the Appeals Committee is prepared to accept the assessment of the Stewards as they had the advantage of being present on the day and to have collectively assessed the interference apparent to them. Fortunately for Jockey S Logan, on this occasion the Appeals Committee defers to their assessment.

Dated the 20<sup>th</sup> day of December 2023



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Mr P F McIntyre (Chair)



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Mr G Aldam