



APPEAL DECISION

NATHAN NEWTON *and* RACING VICTORIA STEWARDS

Date of Hearing: 21 December 2016

Heard By: Judge Bowman (Chair).

Appearances: Mr Simon Carey appeared on behalf of the stewards.
Mr Des O'Keeffe appeared on behalf of Mr Newton.

At Healesville on Saturday 10 December 2016, apprentice picnic jockey Nathan Newton pleaded guilty to a charge of careless riding on his mount *Punton Bernadini* in Race 6 (over 1650m).

The careless riding being that from the 200 meters to the 150 metres, he permitted his mount to shift ground when insufficiently clear of *Rapete*, which in turn was taken in onto *Artie's Gold* which had to be checked to avoid the heels of *Rapete* before then shifting out.

Mr Newton had his permit to ride in picnic races suspended for a period to commence at midnight on Saturday, 10 December 2016 and to expire at midnight on Monday, 2 January 2017 - a total of 4 picnic race meetings.

In reaching penalty stewards deemed the carelessness to be in the mid-range and took into consideration Apprentice Newtons' guilty plea and good record.

A Notice of Appeal against **the severity of the penalty** was lodged on Tuesday, 13 December 2016. A stay of proceedings was not requested.

**DECISION: Appeal allowed.
Penalty varied to a period of suspension for 2 picnic race meetings.**

**TRANSCRIPT OF
PROCEEDINGS**

RACING APPEALS AND DISCIPLINARY BOARD

HIS HONOUR JUDGE J. BOWMAN, Chairman

**IN THE MATTER OF THE STEVENS GLASS HAVING
A SMASHING CHRISTMAS OPEN TROPHY HANDICAP
OVER 1650 METRES AT HEALESVILLE ON 10/12/16**

NATHAN NEWTON

and

RACING VICTORIA STEWARDS

RACING VICTORIA CENTRE, FLEMINGTON

WEDNESDAY, 21 DECEMBER 2016

MR D. O'KEEFFE appeared on behalf of Mr N. Newton

MR S. CAREY appeared on behalf of the RVL Stewards

CHAIRMAN: Mr Nathan Newton, you are an apprentice picnic jockey and you have pleaded guilty to a charge of careless riding out of race 6 at Healesville on 10 December last. From the 200-metre mark to the 150-metre mark, you permitted your mount Punton Bernardini, to shift in when not sufficiently clear of Rapete, ridden by Grant Seccombe, causing that horse to be taken onto Artie's Gold, ridden by Max Keenan. Artie's Gold had to check to avoid the heels of Rapete.

The Stewards considered the interference to be in the mid-range and took into account your good record. You were suspended for four picnic race meetings and you are now appealing against the severity of that penalty.

I have viewed the video film. The interference, particularly to Max Keenan's mount, is quite noticeable, even with no head-on footage. I agree with Mr Carey that you continued to ride your horse out when it was shifting in. Very properly, on the day you pleaded guilty to the charge and it is conceded by the Stewards that you were quite forthright and you conducted yourself well.

I have looked at previous decisions of penalties imposed on picnic jockeys. I am also mindful of the fact that riding opportunities are much more scarce for picnic jockeys than for professional jockeys. The guidelines or ranges used by the Stewards are just that. They are not rules but guidelines in an attempt to ensure consistency so that riders know what to expect. It seems to me that looking at the previous penalties imposed, the suspension imposed on you is

above the norm for a rider with an excellent record who has pleaded guilty and whose offence is in the mid-range.

I will not go through the decisions but the bulk of mid-range penalties seem to be two or three meetings. Indeed, a higher range penalty of four meetings was imposed on one occasion. I am prepared to vary the period of suspension.

Mr O'Keeffe asked for a reduction to two meetings. In the circumstances, and bearing in mind your excellent record and the manner in which you conducted yourself, as well as the fact that you voluntarily made arrangements with Mr Matt Pumpa to analyse your rides and assist you, I am prepared to accede to Mr O'Keeffe's request and the period of suspension shall be varied to two meetings.
