

**SOUTH AUSTRALIAN
RACING APPEALS TRIBUNAL**

RAT 4/2023

DATE OF HEARING:

THURSDAY 29 JUNE 23

TRIBUNAL:

PRESIDENT: MR. TIM ANDERSON, KC

ASSESSOR:

MR. JOHN LETTS

IN ATTENDANCE:

MR. CRAIG DEAKIN, STIPENDIARY STEWARD, RACING SA LTD

MR. SAIRYN FAWKE, APPELLANT

MR. SIMON PRICE, APPELLANT'S REPRESENTATIVE

IN THE MATTER of an Appeal by **MR. SAIRYN FAWKE** against a decision of Racing SA Ltd Stewards.

BREACH OF RULE: AR 131(a)

A rider must not, in the opinion of the Stewards:

(a) engage in careless, reckless, improper, incompetent or foul riding;

PENALTY: SUSPENSION OF LICENCE TO RIDE FOR FOUR MEETINGS

DETERMINATION

Mr. Fawke is a licensed jockey in South Australia. He has appealed against a conviction and penalty imposed by the Stewards on 4 June 2023.

On that day Mr. Fawke rode **All Beans** in Race 6. At the hearing before the Stewards Mr. Fawke pleaded not guilty to the charge of careless riding. He was suspended by the Stewards for four race meetings. The particulars given by the Stewards in relation to that alleged careless riding are "*that you, the rider of, Sairyn Fawke, you the rider of **All Beans**, at Bordertown on Sunday the 4th of June 2023 in Race 6, approaching the 900m have allowed your mount to shift in taking **Scottish Soldier**, ridden by Anna Jordsjo in tightening the running of **Giallo** ridden by Jessica Eaton resulting in Jessica Eaton having to check her mount and lose her position.*"

Before the Tribunal Mr. Fawke was represented by Mr. Simon Price.

It is my view the Stewards were correct in finding the careless riding charge made out.

I have had regard to what Mr. Price submitted, namely, that Mr. Fawke was in the three wide position, which he was quite entitled to be and that he maintained that three wide position. He submitted that the crowding was caused by **Scottish Soldier** moving in on **Giallo** causing it to be checked. The vision shows that at one point there was an ample amount of room between **Giallo**, ridden by Jess Eaton and **Scottish Soldier**, ridden by Anna Jordsjo and again between Ms. Jordsjo's horse and **All Beans**, Mr. Fawke's horse. That gap between those horses narrowed and it narrowed at a time when, on my interpretation of the vision, Mr. Fawke's horse was angling in and tightened **Scottish Soldier** and **Giallo** inside him. That in turn, caused a check to be made. It was potentially a severe incident had the check not been made at the time it was.

I have also taken into account the evidence given by the jockeys to the Stewards at Bordertown on the day and the evidence of Ms. Eaton and Ms. Jordsjo together with that of Mr. Fawke.

I am convinced that the versions of Ms. Eaton and Ms. Jordsjo is borne out by what I have seen on the vision and in particular, the check made by Ms. Eaton, when Ms. Jordsjo said at that time she was inconvenienced by Mr. Fawke. Therefore, despite the submissions of Mr. Price, I do not agree with them.

The appeal on conviction is therefore dismissed.

In relation to the bond lodged with the appeal, \$400 of that \$500 is refundable at my discretion and because I believe that the point argued by Mr. Price on behalf of Mr. Fawke was reasonably arguable I will refund the whole of that \$400.

In relation to penalty, the Stewards started at a penalty of five race meetings. This was the appropriate approach to take.

They then reduced that by one meeting for Mr. Fawke's record.

I conclude that the Stewards were correct in only reducing the penalty by one meeting for his riding record, and suspending Mr. Fawke from riding in races for four race meetings.

The orders I make are:-

- (1) Appeal against conviction dismissed.
- (2) Appeal against penalty dismissed.
- (3) I order the refund of the \$400 paid with the bond lodged with this appeal.
- (4) I order that the suspension commence at midnight on Sunday, 2 July 2023 and conclude at midnight on Wednesday, 12 July 2023.