

**SOUTH AUSTRALIAN**  
**RACING APPEALS TRIBUNAL**

**RAT: 10/2023**

**DATE OF HEARING: 12 October 2023**

**TRIBUNAL: President – Mr T Anderson**  
**Advisor – Mr G Pretty**

**APPELLANT: S Fawke**

**IN ATTENDANCE: RacingSA Steward – M Santoro**  
**Cadet Steward – B Jarman**  
**Cadet Steward – Ms H Matthews**

**In the matter of an Appeal by S Fawke against a decision of the RacingSA Stewards.**

Breach of the Rule 131 (a) – “A rider must not, in the opinion of the Stewards: (a) engage in careless, reckless, improper, incompetent or foul riding.”

**DETERMINATION**

Jockey Mr S Fawke appeals against the Stewards finding and penalty of a suspension of three race meetings. He was suspended by the Stewards following an Inquiry resulting from Race 6 at Jamestown on Saturday, 30 September 2023. Mr Fawke pleaded “Not Guilty” when charged with careless riding.

Stewards took evidence from Mr Fawke and apprentice Ms J Doyle after the race. The incident giving rise to the suspension was alleged to have occurred at about the 900 metres. Ms Matthews, a Steward in attendance, also gave evidence. She was in the tower near the 700-metre mark with a head-on view of the incident.

Ms Matthews said, “I believe that near the 900 metres S Fawke permitted his mount to shift in and I believe that he was insufficiently clear of Jade Doyle’s mount and she was obliged to check and became unbalanced.”

Ms Doyle said that before she had to take hold, and for three or four strides, she had steadied her mount because Mr Fawkes mount was shifting in. She said she had tried to hold her position.

Mr Fawke told the Stewards that Ms Doyle’s horse had jumped out at a patch of grass on the track which was a different colour to the main track. He denied cutting Ms Doyle fine.

Ms Doyle did agree that her horse had reacted to the patch by shifting out. She said she had to check her mount.

Ms B Moore represented Ms Doyle before the Stewards and argued that Mr Fawkes riding made the incident worse.

The Stewards found Mr Fawke guilty of the charge of careless riding. They said, "the reasons for finding him guilty is purely based on the evidence of Ms Doyle and Ms Matthews. Both state you were not clear when shifting ground, which resulted in Ms Doyle having to check her mount".

Mr Simon Price represented Mr Fawke in the hearing before the Tribunal. This was a re-hearing under the rules. There were difficulties with the evidence recorded in the hearing before the Stewards because the recording device did not function for some of the hearing.

Mr Fawke said he made several points during this time which were not recorded. I invited him to re-state what he had said to the Stewards. Although not word for word he repeated to me what he said to the Stewards. He denied the charge of careless riding. He said the whole incident involving Ms Doyle's horse was caused by her horse reacting to the patch on the ground.

There were further difficulties in the Steward's hearing, and also presenting difficulties to the Tribunal, because there was only one camera used to record the race and the vision obtained was not very clear.

The vision does show Mr Fawke outside Ms Doyle's horse by about half a length. It does not show any movement by Mr Fawke's horse across the running of Ms Doyle's horse.

Before the Tribunal Mr Fawke produced photographs of the section of the track in question. The photographs showed definite discolouration of the grass on the track at about the point where the incident occurred. Mr Fawke had asked the Stewards to take him to that point for the purpose of taking photographs after the race meeting concluded.

Mr Price argued the incident was not as a result of careless riding. He submitted it was caused by the horse ridden by Ms Doyle's reacting to the patch as Ms Doyle said. This resulted in the movement by her horse being exaggerated and that was what was observed by the Steward in the tower, in my view.

Ms Matthews, from a head on point of view, was confronted by something which happened in a split second and, I believe, understandably she related this to a possible interference.

The Stewards had said that they relied on the evidence of Ms Matthews and Ms Doyle. Ms Doyle concedes that her horse reacted. However, she told the Stewards, "That her horse slightly reacted". That is not what I observe from the vision of the race. In my view it shows a dramatic reaction and that is supported by what Mr Fawke says in relation to the incident.

Mr Santoro for the Stewards submitted the patch had been caused because grass clippings had been placed over it so that it represented a slightly different appearance to the rest of the track. He said this was common practice in relation to racecourse where there needed to be some covering of a patch in the track. The photographs produced by Mr Fawke in my view showed quite an extensive patch at about the point the incident occurred.

The Stewards had inspected the track prior to racing that day and deemed it safe. My Assessor, Mr Glynn Pretty, a very experienced international jockey, told the Tribunal he considered the track was unsafe to race on based on what he had seen in the photographs.

Mr Santoro said it was quite common grass clippings such as were used here to be placed on the track.

He submitted that the evidence of Ms Matthews should be accepted as to a movement towards the rail by Mr Fawke's horse thus causing Ms Doyle's horse to react to the extent that she had to take hold and check.

The vision of the race indicates to me that the reaction of Ms Doyle's horse was more in keeping with a horse shying at a patch on the track rather than being checked. Clearly Ms Doyle did a good job in staying on because it was a violent reaction by her horse.

In my view the track was a major contributing factor to this incident. The vision was poor but does support what Mr Fawke says as to his position in relation to Ms Doyle.

As I have said earlier the Stewards indicated that they had relied on the evidence of Ms Doyle and Ms Matthews to find Mr Fawke guilty of careless riding.

There is sufficient doubt in the evidence of both Ms Doyle and Ms Matthews, in my view. The defence of Mr Fawke is clearly available on his evidence and what can be observed on the vision together with the photographs of the track. It was Mr Fawke's case from the outset that he was not coming across in front of Ms Doyle's horse and that the incident was caused solely due to her horse reacting to the patch on the track.

In the circumstances I have described, I allow Mr Fawke's Appeal and set aside his conviction for careless riding.

I order the refund of \$400 of the bond deposited upon the appeal being lodged.

I would also add that it is unsatisfactory, in my view, for there to be only one camera at a regional race meeting. Likewise, the recording system should have been backed-up to avoid the circumstances which occurred in this matter.

This comment is not intended as criticism but as suggestions so that a just result is achieved through the appeal process. I realise that there are costs involved in both

suggestions, but I consider they are warranted by the importance of these matters to be considered fairly with just outcomes.

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The Order of the Tribunal is:

1. Appellant's appeal against conviction is upheld.
2. Appellant's appeal against penalty is upheld.
3. There be a refund of \$400 of the bond to the Appellant.

**Mr T Anderson**  
**President SA RAT**

20 October 2023