

## APPEAL PANEL OF RACING NEW SOUTH WALES

IN THE MATTER OF THE APPEAL OF  
LICENSED JOCKEY **MR ANDREW GIBBONS**

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Heard at Racing NSW Offices

Appeal Panel: **Mr L Gyles SC – Convenor; Mr J Murphy; Mr P Losh**

Representatives: **Racing NSW – Mr S Railton – Chairman of Stewards**

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**Appellant – Self Represented**

Date of Hearing: **18 December 2024**

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### REASONS FOR DECISION

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#### **L GYLES SC: Principal Member**

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This is an Appeal by Andrew Gibbons against the penalty imposed upon him by the Stewards on 10 December 2025 for careless riding during Race 6 at a meeting at Quirindi Racecourse. The penalty comprised a suspension for three (3) meetings.

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There are two issues raised on the appeal for consideration, first whether the nature of the interference and the level of carelessness were of a medium or low level, and second whether the Appellant having pleaded not guilty before the Stewards but changing the plea to not guilty before the Panel should get a 10% reduction in the calculation of his sanction.

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In relation to the first issue, the Panel is not bound to adopt and use the Careless Riding Template as part of its considerations, but the authorities support the appropriateness of the Panel using it as a guide, particularly where it has been carefully prepared including with input from the Jockey's Association and where it promotes consistency which is one of the objectives of the Panel in sentencing.

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In the present case, if one is using the template, the first issue is whether the interference caused by the careless riding is best described as "*hampering or crowding*" the other horse (1), or by the horse being "*checked or losing its rightful running*" (2). On

this issue we take the view that it is 2<sup>nd</sup> of these, because the horse was interfered with rather than simply being crowded.

40 The 2<sup>nd</sup> issue is whether it was a low or medium level. The Stewards contend that it was medium and the Appellant says low, primarily because he says he was entitled to move off his line and attempt to take the other horse with him, that is to try to shift the line of the other horse, and that the reaction of the other horse and its failure to do this was the cause of the problem, rather than it being his fault. He also said that he had only shifted out by half a horse width.

45 We do not accept that the other horse was the cause of the problem and that the Appellant was without fault. We find that the horse was entitled to hold its line. Otherwise, although it is finely balanced, we are satisfied that the appropriate grading was low rather than medium given all of the circumstances.

50 On the final issue being whether the Appellant is entitled to a discount before the Panel for his guilty plea, we find that if one is using the template as the guide to sentencing, this does not apply to. That discount would only apply to an early guilty plea, that is a plea before the Stewards. That is not to say that the Panel cannot in other cases take it into account, but we do not do so in this Appeal.

55 The Parties agree that if the careless riding is downgraded to low rather than medium the outcome under the template would be that suspension of three (3) meetings would be reduced to two (2) meetings, and we make that order. The appeal deposit can be returned.

**20 December 2024**

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