

APPEAL PANEL OF RACING NEW SOUTH WALES

IN THE MATTER OF THE APPEAL OF
LICENSED JOCKEY **MR JOHN KISSICK**

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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

L GYLES SC: PANEL CONVENOR

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This is an Appeal by John Kissick against the sanction imposed upon him by the Stewards on 14/12/24 for excessive use of the whip when riding Ashua Valley in Race 5 at a meeting at Albury Racecourse. Ashua Valley won the race. The sanction imposed was a suspension of seven days and a fine of \$750.

25 Mr Kissick did not appeal against the suspension, only the imposition of the fine. He did not argue that the Stewards did not have the power to impose the fine, but rather he says that it was not necessary and that the suspension was a sufficient penalty. That is the sole issue for determination on the Appeal.

30 Mr Kissick accepted that he used the whip 19 times in the home straight, which was one in excess of the maximum permitted, which was 18. The Stewards, for their part, accepted that the breach was related only to one strike of the whip too many, but nevertheless said that the additional fine was necessary and reasonable as a general deterrent to jockeys not to excessively use the whip. The Stewards submitted that excessive use of the whip is an important issue for racing, and is a very bad look from
35 an animal welfare perspective. They also said that it can give rise to integrity issues where the results of races can be impacted, and owners and others may not feel that there has not been a level playing field in the contest. They also relied upon other

recent examples of fines being used as an adjunct to suspensions in instances of excessive whip use.


40 We generally accept these submissions, and agree that there will be occasions on which an additional fine will be justified. As we understand it, Mr Kissick does not disagree and supports the policing of excessive use of the whip by the Stewards. His argument is that in this case because breach was only one by strike of the whip, the significant financial impact of the suspension itself, the fact that it did not effect the
45 result of the race, and his good record, that the fine is unnecessary.

In the view of the Panel, the submissions of Mr Kissick have merit, and particularly having regard to his contrition, his excellent record and his guilty plea, we believe that the fine should be reduced to \$500, and should be suspended so as to only become payable if Mr Kissick is found guilty of a breach of AR 132, being a charge in respect of
50 excessive use of the whip, over the period of twelve months from today.

We order the return of the appeal deposit.

20 December 2024

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