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APPEAL DECISION

MICHAEL DEE and RACING VICTORIA STEWARDS

Date of Hearing: 10 October 2017

Heard By: Judge Bowman (Chair)

Appearances: Wade Hadley appeared on behalf of the stewards.

Matt Hyland appeared on behalf of Michael Dee.

At Seymour on Sunday 8 October 2017, jockey Michael Dee was found guilty of a charge of careless riding on his mount *Night Falls* in Race 3 the *Jumpabout Bouncers 3yo Maiden Plate (1300m).*

The careless riding being approaching the 1000m he permitted his mount to shift in when insufficiently clear of *Ghost Doctor* resulting in that gelding being checked to avoid the heels of *Night Falls*. Stewards did acknowledge that *Ghost Doctor* was overracing.

Mr Dee had his licence to ride in races suspended for a period to commence at midnight on Sunday, 8 October 2017 and to expire at midnight on Sunday, 15 October 2017 - a total of 8 race meetings (1 metro, 7 provincial).

In assessing penalty Stewards deemed the incident to be in the low range and took into account his record and the racing manners of *Ghost Doctor*.

A Notice of Appeal against the decision and penalty was lodged on Monday, 9 October 2017. A stay of proceedings was not required.

DECISION: Appeal against conviction dismissed.

Appeal against severity of penalty allowed.

Penalty varied so that the period of suspension expires at midnight on

Friday, 13 October 2017 (6 race meetings).

Georgie Gavin Registrar - Racing Appeals & Disciplinary Board

TRANSCRIPT OF

PROCEEDINGS

RACING APPEALS AND DISCIPLINARY BOARD HIS HONOUR JUDGE J. BOWMAN, Chairman EXTRACT OF PROCEEDINGS **DECISION** MICHAEL DEE and **RACING VICTORIA** RACING VICTORIA CENTRE, FLEMINGTON **TUESDAY, 10 OCTOBER 2017** MR M. HYLAND appeared on behalf of Mr M. Dee

MR W. HADLEY appeared on behalf of the RVL Stewards

CHAIRMAN: Mr Michael Dee, you were charged with careless riding in race 3 over 1300 metres at Seymour on 8 October last, in that near the 1000-metre mark, you permitted your mount, Night Falls, to shift in when not sufficiently clear of Ghost Doctor, ridden by Robert Beattie, causing that horse to be tightened and checked. The Stewards acknowledge that Ghost Doctor was overracing and took its racing manners into account. You were charged by the Stewards and you pleaded not guilty. The Stewards suspended you for eight meetings and you are appealing against both the conviction and the penalty imposed.

I have had several looks at the video. You drew on the immediate outside of Robert Beattie's mount, in barriers 6 and 7. I agree with Mr Hyland's submission that after the start and before the 1000-metre mark where the interference occurred, you had several looks to your inside where Mr Beattie's horse was racing. You were drawing clear of it and after the last look, you crossed onto Beattie's line. His horse may well have overreacted and overraced following its being restrained. As said, its racing manners were something that were taken into account by the Stewards.

However, the fact of the matter is that it appears to me that you did cross when not two lengths clear. Camera angles are not perfect, but they are not always bad, and it seems to me that you were not the required two lengths clear. There is no suggestion of any contact between the horses, but Robert Beattie did have to take hold as a result of your crossing. Taking all of that into account, it is my opinion that the charge of careless riding has been made out.

.Dee 10/10/17

As is probably evident, I have given considerable thought to the question of penalty. This was a modest amount of interference caused by crossing and it appeared to me to be about a length and a half or possibly a little more clear and after you had made several careful looks. There is no doubt that the racing manners of Robert Beattie's mount caused what occurred to look considerably more dramatic than what otherwise would have been the situation.

As this was shortly after the start, the field was still sorting itself out, but there seems to me that there was little indication of Beattie's mount having to be severely checked and there seemed to me to be little or no risk of falling.

I accept what Mr Hadley has said, but the rules are the rules, regardless of the track and which upcoming races are being held, indeed where that individual meeting is being held, or the importance of upcoming meetings. If anything, the importance of those upcoming meetings should be in the forefront of jockeys' minds, causing them to be even more determined not to breach the rules. On the other hand, you are an up-and-coming jockey and I accept Mr Hyland's statement that you were a model apprentice and your record is good. Indeed, on this occasion you did almost everything right, having a number of looks before crossing and not crossing over in a dramatic fashion. The interference you caused was, as I have said, modest. Having assessed all those circumstances, I consider the interference to be at the very low end and, as stated, your record is very good. In the circumstances, the appeal is upheld and you are suspended for six meetings, to expire at midnight on Friday, 13 October 2017.

.Dee 10/10/17