



**Racing  
Victoria**

**RACING APPEALS  
AND  
DISCIPLINARY BOARD**

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**DECISION**

**RACING VICTORIA STEWARDS  
*and*  
KATE WALTERS**

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<u>Date of Hearing</u>	11 October 2017
<u>Panel</u>	Judge Bowman (Chair), Stephen Curtain, Prof Raymond Harbridge.
<u>Appearances</u>	James Hitchcock appeared for the stewards. Matt Hyland of the VJA appeared on behalf of Ms Walters.
<u>Charge</u>	AR 135(b)  <i>The rider of every horse shall take all reasonable and permissible measures throughout the race to ensure that his horse is given full opportunity to win or to obtain the best possible place in the field</i>
<u>Summary</u>	Ms Walters failed to make sufficient effort to restrain and/or steady her mount, <i>Buccellati</i> , to afford it some respite from the extremely fast tempo set by her in Race 6 at Coleraine on Saturday, 12 August 2017.
<u>Plea</u>	Not guilty.
<u>Decision</u>	The Board finds the charge proved.  Ms Walters convicted and her licence to ride in races suspended for a period of 3 weeks commencing at midnight on Wednesday, 11 October 2017.

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Georgie Gavin  
Registrar - Racing Appeals and Disciplinary Board

**TRANSCRIPT OF  
PROCEEDINGS**

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**RACING APPEALS AND DISCIPLINARY BOARD**

**HIS HONOUR JUDGE J. BOWMAN, Chairman  
MR S. CURTAIN  
PROF R. HARBRIDGE**

**EXTRACT OF PROCEEDINGS**

**DECISION**

**RACING VICTORIA**

**and**

**KATE WALTERS**

**RACING VICTORIA CENTRE, FLEMINGTON**

**WEDNESDAY, 11 OCTOBER 2017**

MR J. HITCHCOCK appeared on behalf of the RVL Stewards

MR M. HYLAND appeared on behalf of Ms K. Walters

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CHAIRMAN: Ms Kate Walters, you have pleaded not guilty to a breach of AR 135(b), in that on your mount, Buccellati, in race 6 at Coleraine on 12 August 2017, you did not take all reasonable and permissible measures throughout the race to ensure that your horse was given full opportunity to win or to obtain the best possible place in the field.

We have taken note of the detailed submissions from Mr Matt Hyland on your behalf and the evidence of Mr Stephen Baster. We also have the submissions from Mr Hitchcock on behalf of the Stewards. We have viewed the video of the race several times. We are also conscious of the test to be applied in a case such as this. The standard of proof is the Briginshaw test which is set out in the various decisions that were put before us.

Further, the rules requires that a jockey's conduct must be more than a mere error of judgment during the race, it must be culpable, in the sense of being blameworthy. In addition, the rule attempts to ensure not just that the horse has a winning chance in a race but that, apart from winning, it still will do the best it can in the circumstances.

We find the charge to be made out. We have reached that state of comfortable satisfaction required by Briginshaw that your horse was not given full opportunity to obtain the best possible place in the field and that this was not some form of an almost instantaneous error of judgment.

In reaching our conclusion and following some of the matters that we have taken into account, the rule requires that the horse be given the opportunity to obtain the best possible place in the field. Buccellati was given no such opportunity. You, an experienced jockey, dug the horse up immediately after the start and not only went to the front but raced many lengths clear of the second and third horses that were in turn several lengths clear of the rest of the field.

From the 1500-metre mark to the 1000-metre mark, you made no effort to settle the horse or bring it back under you. The end result is that at the 1000-metre mark or shortly thereafter, your horse was a spent force. This was not a mere error of judgment made quickly and under pressure. Ultimately the horse finished last. The times for the race were quite extraordinary. The first 900 metres of the race was run in 53.77 seconds and the last 900 metres in 58.41 seconds. Not only was this what is called a negative split but it was a somewhat dramatic one. We accept the difference in time between the first half of the race and the second half converts into more than 28 lengths. Further, the first 400 metres of the race were the fastest for the day, including the 1000-metre sprint races.

Whilst you ride principally in western Victoria and provincial South Australia, you are a jockey of 16 years' experience. You must have been at least roughly conscious of the very fast speed at which you were going but made no effort to give the horse a breather. It may be that it is a difficult horse to ride. At its previous run, approximately a week before at Warracknabeal and ridden by

you, the horse was slowly away, made a mid-race run at approximately the 700-metre mark and won.

We do not say that it would have won this particular race if ridden differently. What we do say is that you gave it effectively very little chance to obtain the best possible place in the field. We emphasise that it is not suggested that you deliberately got the horse beaten and that is certainly not the case. What is alleged and what we accept is that you are culpable or blameworthy in not ensuring that it was given full opportunity to obtain the best possible place in the field. In short, we find the charge proven.

We have taken into account your good record over some 16 years, a good record as conceded by the Stewards. We also note your personal circumstances as explained to us by Mr Hyland. The end result is that you are suspended for three weeks, commencing from midnight, 11 October 2017.

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