



APPEAL DECISION

ZAC SPAIN

and

RACING VICTORIA STEWARDS

Date of Hearing: 11 April 2019

Heard By: Judge Bowman (Chair)

Appearances: Sam Cochrane appeared on behalf of the Stewards.
Matt Hyland of the VJA appeared on behalf of Zac Spain.

At Benalla on 5 April, rider Zac Spain pleaded guilty to a charge of careless riding (under the provisions of AR 131(a)), on his mount *St Pauls Bay* in Race 8, O'Halloran's Garage Doors BM58 Handicap (1106 meters).

The particulars of the charge being, "that near the 100m he attempted to run where there was insufficient room resulting in him clipping the heels of *Funding*, becoming dislodged and hampering a number of runners in the race."

Zac Spain had his licence to ride in races suspended for a period to commence midnight 13th April 2019 to expire midnight 24th April 2019 a total of twelve meetings (2 Metro/10 Provincial).

In assessing the penalty Stewards took into account his guilty plea, record in relation to the rule, that his mount fell and deemed the incident to be in midrange.

A Notice of Appeal against **the severity of the penalty** imposed was lodged on 8 April 2019.

A stay of proceedings was not requested.

DECISION: Appeal against severity of penalty allowed.

Penalty varied to a period of suspension for 10 race meetings (expiring midnight, Tuesday 23 April 2019).

Grace Gugliandolo
Registrar
Racing Appeals & Disciplinary Board

**TRANSCRIPT OF
PROCEEDINGS**

RACING APPEALS AND DISCIPLINARY BOARD

HIS HONOUR JUDGE J. BOWMAN, Chairman

EXTRACT OF PROCEEDINGS

DECISION

ZAC SPAIN

- and -

RACING VICTORIA STEWARDS

RACING VICTORIA CENTRE, FLEMINGTON

THURSDAY, 12 APRIL 2019

MR M. HYLAND appeared on behalf of Mr Z. Spain

MR S. COCHRANE appeared on behalf of the RVL Stewards

CHAIRMAN: Mr Zac Spain, the Stewards have charged you with careless riding, in that in race 8 over 1106 metres at Benalla on 5 April last, near the 100-metre mark on your mount, St Paul's Bay, you attempted to take a run where there was insufficient room. The other horses involved were Funding, ridden by Stacey Metcalfe, and A Thousand Degrees, ridden by Nikita Beriman.

You attempted to take a run between them, clipped the heels of Funding and were dislodged from the saddle. You pleaded guilty to the charge of careless riding. The Stewards found the circumstances to be in the mid-range and took into account your plea of guilty, your good record, and suspended you for 12 meetings. You are appealing against the severity of the penalty.

The video from various angles has been shown. There is no doubt that there was not a run where you attempted to go between horses. I appreciate the comment of Mr Cochrane on behalf of the Stewards that you had not been zigging and zagging in an attempt to get a run, you were held up behind horses and attempted to force a run where there was not one. I also appreciate that it was you, being the rider, that became dislodged and fell, as did your horse, but any fall is a nasty thing to see. You were lucky to escape serious injury and you put at risk your fellow riders. It was good luck rather than good management that no-one else was injured. There was certainly some disruption to the field at the time when the other runners were under pressure and the chances of other horses may well have been affected. It was a major error of judgment on your part.

As did the Stewards, I take into account your good record and your early plea of guilty. You have been a very successful apprentice and have just come out of your time. I have no doubt you will be a very successful jockey.

The argument Mr Hyland advanced on your behalf was essentially that senior jockey Jordan Childs was involved in a similar incident at Flemington on Melbourne Cup Day when he fell at the 200-metre mark. A jockey causing the interference being the one that falls is apparently a comparatively rare event but it did happen to Jordan Childs on the very big stage of Melbourne Cup Day. The Stewards took into account his good record and plea of guilty. A suspension of 10 meetings was imposed. Whether that meant that Jordan Childs would miss some important rides is not clear, although Mr Hyland seemed to recall that the penalty was to commence after the final day. Be that as it may, they are quite similar circumstances, although whether Jordan Childs' fall caused interference to other horses, as occurred in your case, is not clear.

I agree that whilst perfect consistency may never be achieved due to the varying circumstances of each case, this Board should strive for consistent outcomes so that people have some idea of what to expect. The circumstances of Jordan Childs' case do appear to be quite similar to yours.

Were it not for the decision of the Stewards in this case being unusual but very similar to yours, I may well have been tempted to leave the penalty where it

stood. However, in the interests of consistency and predictability, I am prepared to reduce the period of suspension to 10 meetings.

I also give this warning: jockeys who come before me in circumstances where they fall, due to significant interference or trying to take a run where none exists, may not be treated in this way in the future. Obviously every case will be treated on its merits, and I say now that future penalties in cases such as this will not necessarily be at this level, so the warning is out there. However, in fairness and in the interests of consistency, I am varying the penalty in your case to a period of suspension of 10 meetings. I also congratulate you on a very successful apprenticeship and wish you every success as a senior jockey, and hope that your safety and the safety of other jockeys and the horses is henceforth paramount in your riding.
