

# RACING APPEALS AND DISCIPLINARY BOARD

# DECISION

# RACING VICTORIA STEWARDS and

#### BILLY EGAN

Date of Hearing: 31 May 2018

Panel: Judge Bowman (Chair), Mr Darren McGee and Mr Chris Fox

<u>Appearances:</u> Mr Corie Waller appeared on behalf of the stewards. Mr Paul O'Sullivan appeared as counsel for Mr Billy Egan.

<u>Charge:</u> Breach of AR 135(b)

- (b) 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.
- Particulars:The charge relates to Mr Egan's ride on Zizzis in Race 4, the<br/>Ladbrokes Odds Boast Handicap over 1000 metres at<br/>Mornignton on Monday 16 April 2018.

After beginning with the field, Mr Egan failed to make a sufficient attempt to maintain a position with the bulk of the field when he had the opportunity to do so, and ultimately settled several lengths behind the second last runner; and/or

Between the 600m until approaching the 400m Mr Egan failed to take sufficient measures to improve Zizzis' position from the rear when he had the opportunity to do so; and/or

Between the 400m until the 250m Mr Egan failed to ride Zizzis, which was still towards the rear of the field, with sufficient vigour when he had the opportunity to do so.

Plea: Not Guilty.

**Decision:** The Board does not find the charge proved. Charge dismissed.

#### Grace Gugliandolo

Registrar - Racing Appeals and Disciplinary Board

# TRANSCRIPT OF PROCEEDINGS

# RACING APPEALS AND DISCIPLINARY BOARD

# HIS HONOUR JUDGE J. BOWMAN, Chairman MR D. McGEE MR C. FOX

#### EXTRACT OF PROCEEDINGS

#### DECISION

# **RACING VICTORIA STEWARDS**

and

**BILLY EGAN** 

# **RACING VICTORIA CENTRE, FLEMINGTON**

#### THURSDAY, 31 MAY 2018

MR C. WALLER appeared on behalf of the RVL Stewards

MR P. O'SULLIVAN appeared on behalf of Mr B. Egan

CHAIRMAN: Mr Billy Egan, you have been charged with a breach of AR 135(b), in that at Mornington on 16 April 2018, in the Ladbrokes Odds Boost Handicap over 1000 metres, you did not take all reasonable and permissible measures throughout the race to ensure that your mount, Zizzis, was given full opportunity to win or obtain the best possible place in the field. We should add that Zizzis, a two-year-old filly, had won her only two starts, including a last-start win in a valuable race at Morphettville. In this race, she was a short-priced favourite. You have pleaded not guilty to the charge.

We say at the outset that if the race was viewed as a whole, we can understand how there might be some disquiet as to your ride on such a well-fancied horse, and you should bear that in mind. Your overall ride and your apparent lack of vigour might have caused some punters to voice their disapproval, even though Zizzis finished second. However, the whole race is not the subject of this charge. The Stewards' charge is specifically confined to three sections of the race which could be described as immediately after the start, between the 600 metres and the 400 metres, and between the 400 metres and the 250-metre mark.

We have viewed a number of videos of the Mornington race from various angles and of the previous two wins when the horse raced in a markedly different fashion. However, in those races she had drawn well and each course had a comparatively long run-in. At Mornington, she drew eight of eight, at a course with a turn after about 150 metres, a not overly long straight section between the 600 and the 400-metre mark, another turn, and a short straight. We bear all of that in mind. We also note that Zizzis carried 60 kilograms.

You gave evidence in support of your defence and called the trainer of Zizzis, Mr Patrick Payne, who is himself a former top jockey, and Mr Nick Hall, a highly credentialled licensed jockey. We were impressed with their evidence. Mr Payne, as the trainer and an ex-jockey, had no criticism with the ride in the circumstances, particularly given the poor barrier draw, and thought that the horse had been a little disappointing, but attributing no fault to your ride.

We have to be comfortably satisfied that the charge has been made out. As emphasised by Mr O'Sullivan on your behalf, the test is not one of comparison with the perfect ride and not one of the Stewards or this Board substituting a view as to how the horse should or might otherwise have been ridden. The question is whether we are comfortably satisfied that, in three separate sections of the race, Zizzis was not given full opportunity to win or obtain the best possible place.

We cannot be so comfortably satisfied on the basis of the evidence before us in relation to those three sections of the race in question, so the charge is dismissed. We would repeat our observation that you should be careful that your rides leave no room for doubt as to giving horses every possible chance and, even allowing for your style of riding, you remember that those on the other side of the fence might see things differently.

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#### .Egan 31/5/18 RLC