



APPEAL RESULT

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FROM: Registrar – Racing Appeals and Disciplinary Board

DATE: 4 July 2012

SUBJECT: **APPEAL HEARING RESULT – JOCKEY: JACK HILL**

Panel Judge Russell Lewis (Chair), Mr Stephen Curtain, Mr Chris Enright.

Appearances Mr Des O’Keeffe appeared on behalf of Mr Hill.
Mr Peter Ryan appeared on behalf of the Stewards.

At an adjourned inquiry on Thursday, 28 June 2012, jockey Jack Hill was found guilty of a charge of careless riding. The charge relating to his ride on *Shot of Laughter* in Race 2 the *Santons of Bendigo BM 72 Handicap* (1100m) at Bendigo on Sunday, 17 June 2012.

The particulars being that near the 400-metre mark, Mr Hill permitted his mount to shift out to obtain a run when insufficiently clear of *Lucky Thunder* and in doing so tightened *Lucky Thunder* out on to *Don’t Wake Me*.

This resulted in *Lucky Thunder* clipping the heels of *Shot Of Laughter* and falling, whilst *State of Elation*, which was following, was brought down as a consequence.

Mr Hill had his licence to ride in races suspended for a period to commence at midnight on Thursday, 28 June 2012 and to expire at midnight on Monday, 23 July 2012 - a total of 25 meetings (7 metro, 18 country).

In assessing penalty Stewards took into account the incident resulted in a fall and Mr Hill’s good riding record.

A Notice of Appeal against **the severity of the penalty** was lodged on Sunday, 1 July 2012.

DECISION: **Appeal allowed.**

Penalty varied - the period of suspension to now expire at midnight on Thursday, 19 July 2012 – a total of 21 meetings.

**TRANSCRIPT OF
PROCEEDINGS**

RACING APPEALS AND DISCIPLINARY BOARD

**HIS HONOUR JUDGE R.P.L. LEWIS, Chairman
MR S. CURTAIN
MR C. ENRIGHT**

EXTRACT OF PROCEEDINGS

DECISION

**IN THE MATTER OF THE SANTONS OF BENDIGO
BM 72 HANDICAP OVER 1100 METRES
AT BENDIGO ON 17/6/12**

JOCKEY: JACK HILL

MELBOURNE

WEDNESDAY, 4 JULY 2012

MR P. RYAN appeared on behalf of the RVL Stewards

MR D. O'KEEFFE appeared on behalf of the Appellant

CHAIRMAN: In this appeal, the Board has had considerable difficulty in arriving at a satisfactory conclusion. Cases of careless riding where the consequence is a fall become problematic, as can be easily demonstrated in this case. For example, Mr Ryan has conceded that the degree of carelessness was in the low range and the shift was regarded as minor but the consequences were significant.

In cases where the degree of carelessness has been in the medium range or even in the high range we know that the highest penalty in the last eight or nine years has been 30 days or 30 meetings. A relatively recent case was Danny Brereton who suffered a severe spinal injury although I understand he has now achieved some movement in his legs. The Board has not been informed whether in that case the degree of carelessness was low, medium or high.

It is trite to say that a minor shift can cause catastrophic results; it can bring down more than one horse, there could be multiple falls with multiple injuries to riders. Does it mean that the maximum penalty in that case would still be 30 days or 30 meetings? We have not been confronted with such a case, but one wonders about the possibilities.

In this case the appellant received 28 meetings for his careless riding which, ignoring a discount of 3 meetings allowed by the Stewards, is only two less than the highest penalty which has come before the Board. In this case, the consequences were that the fallen horse was destroyed, a rider had his arm broken and another rider was placed in jeopardy as a result of the fall, his

mount clipping the heels of the fallen horse.

Comparing the consequences of this case with the consequences of the Brereton case, the consequences in the Brereton case are significantly more, and yet there is only a difference of two meetings in the respective penalties.

In all the circumstances, the Board is of the opinion that the starting point of 28 meetings was too high.

The Board is also of the opinion that the Stewards should have given more weight to the appellant's early admission that his mount shifted ground and the shift caused the fall.

Accordingly, the Board feels that the penalty should be varied, however, the penalty should nevertheless reflect the seriousness of the consequences. The variation means that the period of suspension would expire at midnight on Thursday, 19 July 2012.

I should add, as to the issue raised by Mr O'Keeffe on the question of contribution, the Board finds that there was no contribution by Craig Robertson towards the interference.
