



**RACING APPEALS
AND
DISCIPLINARY BOARD**

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APPEAL DECISION

WILLIAM (BILLY) EGAN
and
RACING VICTORIA STEWARDS

Date of Hearing: 2 September 2016

Heard By: Mr Brian Forrest (Deputy Chair), Mr Stephen Curtain, Prof Raymond Harbridge.

Appearances: Mr Sam Cochrane appeared on behalf of the stewards.
Mr Des O'Keeffe appeared on behalf of Mr Egan.

At Geelong Synthetic on Tuesday 30 August 2016, jockey Billy Egan was found guilty of a charge of careless riding on his mount *Tanned* in Race 8 the *Bendigo Bank BM58 Handicap* (2000m). The carelessness being that near the 1100 metres he permitted his mount to shift in when not sufficiently clear of *Break The Moment* resulting in that gelding being restrained to avoid the heels of *Tanned* and losing his rightful running.

Mr Egan had his licence to ride in races suspended for a period to commence at midnight on Tuesday, 30 August 2016 and to expire at midnight on Thursday, 8 September 2016 - a total of 9 race meetings (3 metro, 9 provincial). In assessing penalty Stewards took into account his poor record and also that the carelessness was in the low range.

A Notice of Appeal against **the decision and severity of the penalty** was lodged on Wednesday 31 August 2016. A stay of proceedings was not requested.

DECISION: **Appeal dismissed.**
Penalty to remain standing.

Georgie Gavin
Registrar - Racing Appeals & Disciplinary Board

TRANSCRIPT OF PROCEEDINGS

RACING APPEALS AND DISCIPLINARY BOARD

MR B. FORREST, Deputy Chairman
MR S. CURTAIN
PROF R. HARBRIDGE

EXTRACT OF PROCEEDINGS

DECISION

**IN THE MATTER OF THE BENDIGO BANK BM58 HANDICAP
OVER 2000 METRES AT GEELONG SYNTHETIC ON 30/8/16**

WILLIAM (BILLY) EGAN

and

RACING VICTORIA STEWARDS

RACING VICTORIA CENTRE, FLEMINGTON

FRIDAY, 2 SEPTEMBER 2016

MR D. O'KEEFFE appeared on behalf of Mr B. Egan

MR S. COCHRANE appeared on behalf of the RVL Stewards

DEPUTY CHAIRMAN: Jockey Billy Egan has appealed a conviction for careless riding and the nine-meeting suspension from 30 August to 8 September for his ride on Tanned in race 8 at Geelong on 30 August.

The Stewards found that Tanned shifted in near the 1000-metre mark when not sufficiently clear of Break The Moment, ridden by Tom Sadler, resulting in that horse having to be restrained to avoid the heels of Tanned and losing its place in the field. Tom Sadler told the Stewards' inquiry that day that nearing the 1000 metres, he was positioned one off the fence. He called to Billy Egan who had been racing three deep as Egan continued to come in and crossed in front of him. Sadler said he was put in an awkward situation and lost his position because of the pressure from Egan's mount. He said he did not have to check but did not have the option of holding his spot in the field.

Billy Egan disputed that he caused interference and said he saw an opportunity to slot in in front of Sadler's mount pretty easily and without interference because the speed in the race was good and the field was strung out. Egan believed he was entitled to move into the one-off line when he did but conceded that by the time he did, the gap had shortened. He also believed he was a comfortable two lengths forward of Sadler when he crossed. He did not recall hearing a call from Sadler when he crossed in front. The film reveals Egan looking to his inside, then straightening his mount, had a second look, then shifted in to the one-off line in front of Sadler. Mr O'Keeffe, on Egan's behalf, submitted there was no sufficient interference or inconvenience to Sadler such as would constitute a nine-meeting suspension.

The Board considers, having heard the submissions and viewed the film, that Egan crossed Sadler when not two lengths clear, causing Sadler's mount to be restrained to the extent that Sadler lost his place in the field. Accordingly, the appeal against conviction is dismissed.

The situation that the Board finds itself in in assessing whether the penalty should be varied is a consideration of the factors of course. The Stewards have assessed the penalty in the low range and the Board would agree that that is a correct categorisation of the interference. Against interfering with that and putting that at the lowest of the low, the Board also has to take into account the record. Whilst the Board accepts that it was good for quite an extensive period of time, in the last 12 months, four suspensions leads the Board to consider that the penalty should not be interfered with. Accordingly, the appeal against penalty is also dismissed.
