

RACING APPEALS AND DISCIPLINARY BOARD

APPEAL DECISION

BEN THOMPSON

and

RACING VICTORIA STEWARDS

Date of Hearing:	9 September 2016
Panel:	Judge Bowman (Chair), Mr Chris Fox and Prof Raymond Harbridge.
Appearances:	Mr Brett Wright appeared on behalf of the stewards. Mr Des O'Keeffe appeared on behalf of Mr Thompson.

At Moe on Tuesday 6 September 2016, apprentice jockey Ben Thompson was found guilty of a charge under 137(b) for failing to ride his mount out over the final three strides of the race which, in the opinion of the stewards, affected the finishing position in that he placed third instead of second. The charge relating to Mr Thompson's ride on *Treicheln* in Race 10 the *TAC BM58 Handicap* (1628m).

Mr Thompson had his permit to ride in races suspended for a period to commence at midnight on Thursday, 8 September 2016 and to expire at midnight on Tuesday, 20 September 2016 – a total of 12 race meetings (2 metro, 10 provincial). In assessing penalty Stewards took into account that he is an apprentice and it was his first charge under this rule.

A Notice of Appeal against **the decision and severity of the penalty** was lodged on Thursday, 8 September 2016. A stay of proceedings was not required.

An application seeking leaving to withdraw the appeal against conviction was accepted by the Board.

DECISION: Appeal against severity of penalty allowed. Penalty varied to a fine of \$300

TRANSCRIPT OF PROCEEDINGS

RACING APPEALS AND DISCIPLINARY BOARD

HIS HONOUR JUDGE J. BOWMAN, Chairman MR C. FOX PROF R. HARBRIDGE

EXTRACT OF PROCEEDINGS

DECISION

IN THE MATTER OF THE TAC BM58 HANDICAP OVER 1628 METRES AT MOE ON 6/9/16

BEN THOMPSON

and

RACING VICTORIA STEWARDS

RACING VICTORIA CENTRE, FLEMINGTON

FRIDAY, 9 SEPTEMBER 2016

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

MR B. WRIGHT appeared on behalf of the RVL Stewards

CHAIRMAN: Mr Ben Thompson, you have pleaded guilty to the charge that in race 10 at Moe on 6 September 2016, you failed to ride out your mount, Treicheln, in the last three strides of the race. Treicheln finished third, a short neck behind the second placegetter, White Devon, ridden by Craig Newitt.

We have viewed the patrol film. We cannot be satisfied that the failure by you to ride out Treicheln cost that horse second place. The finishing post was very close, and three strides out, Treicheln still had a half-length to make up. Craig Newitt had eased off on his mount but was still rubbing his horse.

Put simply, we cannot be satisfied that Treicheln would have finished ahead of White Devon had it been ridden out to the line. It had already made a long sustained run and, as said, the post was close and three strides out, it still had a half-length to make up.

We are not satisfied that the result would have altered. Accordingly, we are not of the view that a period of suspension is warranted. However, you have had a recent severe reprimand for this very offence and, accordingly, we think that a fine is appropriate. The appeal against penalty is upheld and you are fined the sum of \$300.
