

Racing Appeals and Disciplinary Board 400 Epsom Road Flemington VIC 3031 Telephone: 03 9258 4260 Fax: 03 9258 4848 radboard@racingvictoria.net.au

# APPEAL DECISION

#### **BEAU MERTENS**

and

#### **RACING VICTORIA STEWARDS**

Date of Hearing: 10 April 2017

Heard By: Judge Bowman (Chair).

**Appearances:** Mr Rob Montgomery appeared on behalf of the stewards. Mr Matt Hyland appeared on behalf of Mr Mertens.

At Sandown on Wednesday 5 April 2017, apprentice jockey Beau Mertens pleaded guilty to a charge of careless riding on his mount *Single Note* in Race 4 the *Joe Chila Memorial* (1600m).

The carelessness being that approaching the 1200m he permitted his mount to shift in when not sufficiently clear of *Fast Approaching* resulting in that mare having to be steadied to avoid the heels of *Single Note*.

Mr Mertens had his permit to ride in races suspended for a period to commence at midnight on Saturday, 8 April 2017 and to expire at midnight on Saturday, 15 April 2017 – a total of 7 race meetings (1 metro, 6 provincial).

In assessing penalty Stewards took into account his guilty plea and excellent record (he has not been suspended for careless riding since August 2016) and that the carelessness was in the low range.

A Notice of Appeal against **the severity of the penalty** was lodged on Wednesday 5 April 2017. A stay of proceedings was not requested.

#### DECISION: Appeal allowed.

Penalty varied so that the period of suspension expires at midnight on Friday, 14 April 2017 (6 race meetings).

# TRANSCRIPT OF PROCEEDINGS

# RACING APPEALS AND DISCIPLINARY BOARD

#### HIS HONOUR JUDGE J. BOWMAN, Chairman

# EXTRACT OF PROCEEDINGS

DECISION

**BEAU MERTENS** 

and

# **RACING VICTORIA STEWARDS**

# **RACING VICTORIA CENTRE, FLEMINGTON**

#### MONDAY, 10 APRIL 2017

MR M. HYLAND appeared on behalf of Mr B. Mertens

MR R. MONTGOMERY appeared on behalf of the RVL Stewards

CHAIRMAN: Mr Beau Mertens, you have pleaded guilty to a charge of careless riding in race 4 at Sandown on 5 April last. Approaching the 1200-metre mark, you permitted your mount, Single Note, to shift in when not sufficiently clear of Fast Approaching, ridden by Damien Oliver, resulting in his mount having to be steadied to avoid the heels of your mount. The Stewards suspended you for seven meetings. You are appealing the severity of that penalty.

I have viewed the video film. Undoubtedly there was interference to Damien Oliver's mount. Of course there has been a plea of guilty. Equally undoubtedly, the level of interference was not great. The thrust of Mr Hyland's submission on your behalf was that the interference was in the lowest of the low range, that you have a riding record described by the Stewards as being excellent, you pleaded guilty and that you were extremely unlucky, in that there is no race meeting or meetings on Good Friday. Were there such meetings on Friday, you would be eligible to ride at Saturday's metropolitan meeting at Caulfield where, incidentally and as I understand it, there will be 10 races. The last three on Saturday last having been called off because of the weather have apparently been moved to next Saturday. This happens in the context of you being well and truly in the hunt for being leading apprentice.

I appreciate Mr Montgomery's argument that suspensions are imposed on the basis of meetings, not days, and that the penalty already imposed is at the bottom of the low range. I also appreciate the need for deterrence. In any other week, you would be back riding on Saturday. As it is, the penalty imposed on you does not expire midnight Friday but midnight Saturday, so that you would miss a 10-race program. On balance, I will uphold the appeal and reduce the penalty by one meeting. That is not to say that in other cases I will be reducing suspensions for the convenience of jockeys.

This seems to me to be a fairly extraordinary situation. We have a talented apprentice with an excellent record, very low-range interference, an early plea of guilty. Because of the luck of the calendar, an original penalty has consequences greater than might seem appropriate in these particular circumstances. That is no criticism of the Stewards who have the ranges which they use as a means of giving some parity and predictability to suspensions for careless riding. In this particular and quite unusual case, the appeal is upheld and the period of suspension reduced to six meetings.

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RLC