

APPEAL RESULT

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FROM: Registrar – Racing Appeals and Disciplinary Board

DATE: 21 April 2015

SUBJECT: **APPEAL HEARING RESULT – JOCKEY: NICK HALL**

Panel Judge Russell Lewis (Chair), Mr Brian Forrest (Deputy), Mr Darren McGee.

Appearances Mr Hall appeared on his own behalf.
Mr Terry Bailey appeared on behalf of the stewards.

At Caulfield on Saturday 18 April 2015, jockey Nick Hall was found guilty of a charge of careless riding on his mount *Under the Louvre* in Race 10 the *Mypunter.com Anniversary Vase* (1400m.)

The carelessness being that passing the 300m he endeavoured to shift his mount from behind *Gracious Prospect* and to the inside of *Pin Your Hopes* (NZ) where there was not a run, the carelessness then put himself in jeopardy and resulted in contact being made to *Pin Your Hopes* (NZ) resulting in that horse getting unbalanced.

Mr Hall had his licence to ride in races suspended for a period to commence at midnight on Saturday, 18 April 2015 and to expire at midnight on Wednesday, 29 April 2015 – a total of 12 race meetings (3 metro, 9 provincial.)

In assessing penalty Stewards took into account the incident was in the mid-range.

A Notice of Appeal against **the decision and severity of the penalty** was lodged on Sunday, 19 April 2015. A stay of proceedings was not requested.

DECISION: In a majority decision of the Board the appeal was allowed -
Mr Forrest dissenting.

**TRANSCRIPT OF
PROCEEDINGS**

RACING APPEALS AND DISCIPLINARY BOARD

**HIS HONOUR JUDGE R.P.L. LEWIS, Chairman
MR B. FORREST, Deputy Chairman
MR D. McGEE**

EXTRACT OF PROCEEDINGS

DECISION

**IN THE MATTER OF THE MYPUNTER.COM ANNIVERSARY VASE
OVER 1400 METRES AT CAULFIELD ON 18/4/15**

JOCKEY: NICHOLAS HALL

MELBOURNE

MONDAY, 20 APRIL 2015

MR T. BAILEY appeared on behalf of the RVL Stewards

MR N. HALL appeared on his own behalf

CHAIRMAN: The central issue in this appeal is whether the Appellant put himself in jeopardy by taking a run between Walker and Schofield.

The Stewards' case is that there never was a run and that in riding his mount along and obtaining a run, the Appellant's mount was dangerously and unacceptably close to Walker's heels and he was therefore careless. The Stewards' case relied on their interpretation of the vision shown at the inquiry.

The head-on shot at 17.24.20.08 appears to show that there was no run for the Appellant. The shot being head-on does not adequately indicate how far the Appellant was behind Walker. The back shot appears to show that the Appellant was perilously close to Walker's heels. If that were the only evidence in this case, then clearly the Appellant was careless.

The Appellant's case is as follows: he makes the point, which the Stewards concede, that he is an experienced top-flight rider. He submits that at all times he knew what he was doing and was, in his opinion, never in danger of contacting Walker's heels, notwithstanding that Walker was shifting ground. The Appellant then referred to a side-on shot which lacked the clarity of earlier vision, but the still of that shot taken at 17.24.20.08, the same time as the head-on shot, appears to show that the Appellant's mount was three-quarters to one length behind Walker's mount. The side-on shot, which was not shown at the Stewards' inquiry, clearly does not support the Stewards' case.

The onus is upon the Stewards to prove that the Appellant was careless. The evidence presented today has left the Board in a position where it is unable to conclude whether the Appellant was careless and, accordingly, the appeal must be allowed. This is a majority decision. Mr Forrest will give the dissenting opinion.

MR FORREST: I placed a different interpretation on the film evidence to my colleagues, as I saw the situation that Mr Hall committed his mount to a run between Schofield and Walker when there was insufficient room and subsequently, because of Walker's mount shifting out which Mr Hall did not anticipate, resulted in he becoming, on my interpretation of the film, certainly in a position fraught with some danger. In my view, there was an element of carelessness in his riding. But as that is a minority position, the decision of the majority, the chairman and my colleague, will prevail.
