



APPEAL DECISION

MICHAEL WALKER *and* RACING VICTORIA STEWARDS

Date of Hearing: 5 March 2019

Heard By: Judge Bowman (Chair)

Appearances: Rob Montgomery appeared on behalf of the Stewards.
Bruce Clarke appeared on behalf of Mr Walker.

At Sandown on 27 February, rider Michael Walker pleaded guilty to a charge of careless riding (under the provisions of AR 137(a)), on his mount *Eighteen Carrot* in Race 2 the Le Pine Funerals Plate (1300m).

The particulars of the charge being, "that near the 100 metres, he permitted his mount to shift out when insufficiently clear of *Sadente* (B. Melham) resulting in that filly being tightened out onto *Charitable Nature* and having to be checked."

Michael Walker had his licence to ride in races suspended for a period to commence at midnight 2 March 2019 and to expire at midnight 11 March 2019, a suspension of 10 meetings, (1 metropolitan, 9 provincial).

In assessing penalty Stewards took into account his guilty plea, excellent record and that the carelessness was in the mid-range.

A Notice of Appeal against **the severity of the penalty** imposed was lodged on 28 February 2019.

A stay of proceedings was not requested.

DECISION: Appeal against severity of penalty allowed.

Penalty varied to a period of suspension for 9 race meetings, to expire midnight Sunday, 10 March 2019.

**Grace Gugliandolo
Registrar
Racing Appeals & Disciplinary Board**

**TRANSCRIPT OF
PROCEEDINGS**

RACING APPEALS AND DISCIPLINARY BOARD

HIS HONOUR JUDGE J. BOWMAN, Chairman

EXTRACT OF PROCEEDINGS

DECISION

MICHAEL WALKER

- and -

RACING VICTORIA STEWARDS

RACING VICTORIA CENTRE, FLEMINGTON

TUESDAY, 5 MARCH 2019

MR B. CLARK appeared on behalf of Mr M. Walker

MR R. MONTGOMERY appeared on behalf of the RVL Stewards

CHAIRMAN: Mr Michael Walker, you have pleaded guilty to a charge of careless riding, in that in race 2 over 1300 metres at Sandown on 27 February 2019, near the 100-metre mark, you permitted your mount, Eighteen Carrot, to shift out when insufficiently clear of Sadente, ridden by Ben Melham, resulting in that filly being tightened onto Charitable Nature, ridden by Craig Williams. The Stewards took into account your plea of guilty and your excellent record. They have assessed the carelessness to be in the mid-range and a penalty of suspension of 10 meetings was imposed. You are appealing against the severity of that penalty.

This morning, during the hearing, I have had the opportunity to view the video coverage of the race several times. In my opinion, prior to the interference, Ben Melham's mount did not move off its line, in the sense of hanging or shifting in towards your mount. If anything it moved marginally out, but essentially raced in a straight line.

I am not of the opinion that Craig Williams' mount played any part in what occurred, and Kayla Crowther's mount, which appeared to have been leading, may have drifted in a moderate amount but this essentially had no effect on the ultimate interference. The interference to Ben Melham's mount was caused solely by you, and whether or not Melham's mount had been difficult to ride earlier in the race, at the relevant stage it was racing tractably and in a straight line. As a result, I find that the interference was solely caused by you.

As I have said many times, the categories of low, mid and high-range interference do not bind this Board and are not in the rules. However, they provide a very useful method for the Stewards when assessing carelessness and interference and certainly assists in helping jockeys and connections understand and appreciate likely penalties. They assist the Board in its endeavours to provide consistency in parity of penalties.

In my opinion, if the ranges employed by the Stewards were used in the present case, I would agree that the level of interference falls in the mid-range. Your horse clearly moved out one and a half to two horses and you continued to use the whip in your left hand. The interference to Melham's mount was very evident, it appearing to be struck in the vicinity of the hindquarters, but in any event, Melham was forced to take hold and drop back sharply, possibly as much as one and a half to two lengths. This was quite substantial interference.

I take into account your very good record and your plea of guilty. I can understand why the Stewards imposed the penalty that they did. I might say that you were a little unlucky, in that you and Mr Clark, representing you, were keen to have this matter heard yesterday. It simply could not be done through no fault of anyone.

You have already lost mounts in Sydney this Saturday regardless of the penalty imposed today. If the matter could have been heard yesterday, you would have been available to take a ride for which you had been booked in the Adelaide Cup on Monday, 11 March. Because you have been unfortunate in this regard

and have such a good record, and even at the risk of being seen to engage in tinkering, I am prepared to uphold the appeal and reduce the penalty of suspension to nine meetings, thus enabling you to take your mount in Adelaide in the Cup on Monday the 11th next. It may be said that this is a case of tinkering, but I am also looking at what you have already missed out on and the fact that we could not get everyone available to take the case yesterday which has had perhaps a far greater impact than an adjournment of one day would normally have.
