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## **APPEAL DECISION**

### **JOHN ROBERTSON and RACING VICTORIA STEWARDS**

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**Date of Hearing:** 18 June 2018

**Heard By:** Brian Forrest (Deputy Chair)

**Appearances:** Geoff Hausfeld appeared on behalf of the Stewards  
Matthew Hyland of the VJA appeared on behalf of John Robertson

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At Edenhope on 10 June, rider John Robertson was found guilty of a charge of careless riding on his mount *We Want Frankie* in Race 3 the Mundarra Maiden Plate (1200m).

The particulars of the charge, *"the careless riding being that passing the 300m he permitted his mount to shift ground inwards whilst being ridden along when insufficiently clear of Hurricane Helen which was tightened in onto Just a Gigolo resulting in Just A Gigolo becoming severely unbalanced and its rider C Puls being dislodged.*

John Robertson had his licence to ride in races suspended for a period of 20 meetings (5 metro 15 provincial) commencing midnight 19 June 2018 at the conclusion of his suspension from Swan Hill on 8 June 2018 and to expire on midnight 9 July 2018.

In assessing penalty stewards took into account his good record and the fact that his carelessness led to a rider being dislodged. Stewards further took into account the totality of both suspensions as to not make the total period of suspension manifestly excessive.

A Notice of Appeal against the decision and severity of the penalty imposed was lodged on 12 June 2018.

A stay of proceedings was not requested.

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**DECISION:** Appeal against conviction dismissed.  
Appeal against penalty allowed and varied to be served concurrently with the suspension from Swan Hill (rather than cumulative) and will expire at midnight 3 July 2018.

# **TRANSCRIPT OF PROCEEDINGS**

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## **RACING APPEALS AND DISCIPLINARY BOARD**

**MR B. FORREST, Deputy Chairman**

### **EXTRACT OF PROCEEDINGS**

#### **DECISION**

**JOHN ROBERTSON**

**and**

**RACING VICTORIA STEWARDS**

**RACING VICTORIA CENTRE, FLEMINGTON**

**MONDAY, 18 JUNE 2018**

MR M. HYLAND appeared on behalf of Mr J. Robertson

MR G. HAUSFELD appeared on behalf of the RVL Stewards

DEPUTY CHAIRMAN: Jockey John Robertson has appealed a conviction and 20-meeting penalty for careless riding in race 3, the Mundarra Maiden Plate at Edenhope on 10 June. The charge was that approaching the 300-metre mark, John Robertson permitted his mount, We Want Frankie, to shift ground inwards when not sufficiently clear of Hurricane Helen, ridden by Ben Thompson, resulting in that horse being tightened in onto Just A Gigolo, ridden by Christine Puls, resulting in that horse becoming unbalanced and Christine Puls being dislodged.

Steward, Mr Cookson, who was stationed in the tower at the home turn, observed that as the field entered the home straight, John Robertson was racing on the outside of Ben Thompson, about a half to three-quarters of a length away, and on the inside of Ben Thompson was Christine Puls near the rails. We Want Frankie shifted in when given a tap with the whip and had taken Hurricane Helen in onto Just A Gigolo which clipped Hurricane Helen's heels.

At the race-day Stewards' inquiry, Christine Puls said that as entering the home straight, she was travelling well and had sufficient room to be improving inside Ben Thompson and travelled three to four strides before being tightened for room, being unsure whether it was from a bump from the outside horse, striking the rail. Ben Thompson said his mount was under pressure. He was doing his best to hold his line, aware that Christine Puls was on his inside and John Robertson neat on his outside, a half to three-quarters of a length in front. In answer to the Stewards, he said the cause of the contact was as a result of John Robertson's mount shifting in. When the contact came from the outside,

he had no other option, he said, than to shift in. He agreed that his horse may have overreacted a touch to the contact from outside and also agreed that John Robertson quickly relieved the pressure.

John Robertson, who was racing on the outside, said that when he gave his mount a backhand, he shifted in suddenly about half a horse. He heard a yell from the inside and immediately grabbed the reins and did what he could to hold his line. He considered the behaviour of Ben Thompson's horse contributed to the interference. In his notice of appeal he stated:

*I do not believe the footage confirms I am responsible for the incident.*

Mr Hyland, on behalf of John Robertson, argued there were a number of factors, including the limited nature of the film evidence, the characteristics of the track, namely the awkward turn into the straight, the possible overreaction of Ben Thompson's mount, all of which he submitted entitled John Robertson to the benefit of the doubt.

While it is accepted there is some force in these submissions from Mr Hyland and that the film evidence is of limited assistance, at the end of the day, the person in the best position to observe what occurred was Mr Cookson, an experienced Steward, and I accept his evidence as to what he saw.

Accordingly, the appeal against conviction is dismissed.

I am conscious of what has been said in regard to the position where there is a fall. Having said that, there is considerable merit in what Mr Hyland has said regarding the degrees of carelessness. There can be extreme carelessness and there can be, as we all know, particular ends of the scale and this certainly, on my reading of it all and acceptance, is not one that could in any way be said to be a particularly serious level of carelessness. It often has varying consequences, as we all know.

I appreciate with what Mr Hausfeld said regarding the separate offences, but they occurred within a couple of days of each other and rather than be cumulative, I am of the opinion that they ought to be served concurrently, these offences. Accordingly, that being the case, I do not disturb the 20-day penalty but my direction is that that be made concurrent with the penalty for the whip offence and as a consequence, the suspension commences midnight 14 June 2018 and the 20 meetings will expire midnight, 3 July 2018. That is the decision of the Board.

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