



APPEAL DECISION

DECLAN BATES

and

RACING VICTORIA STEWARDS

Date of Hearing: 6 June 2017

Heard By: Judge Bowman (Chair)

Appearances: James Hitchcock appeared on behalf of the stewards.
Matt Hyland appeared on behalf of Mr Bates.

At Geelong Synthetic on Friday 2 June 2017, jockey Declan Bates was found guilty of a charge of careless riding on his mount *Detroit Rocks* in Race 2 the *Elephant & Castle Hotel F&M Maiden Plate* (1100m).

Mr Bates had his licence to ride in races suspended for a period to commence at midnight on Monday, 5 June 2017 and to expire at midnight on Tuesday, 13 June 2017 - a total of 8 race meetings (3 metro, 5 provincial).

A Notice of Appeal against the **decision and severity of the penalty** was lodged on 4 June 2017.

DECISION: Appeal allowed. Conviction and penalty set aside.

**TRANSCRIPT OF
PROCEEDINGS**

RACING APPEALS AND DISCIPLINARY BOARD

HIS HONOUR JUDGE J. BOWMAN, Chairman

EXTRACT OF PROCEEDINGS

DECISION

DECLAN BATES

and

RACING VICTORIA STEWARDS

RACING VICTORIA CENTRE, FLEMINGTON

TUESDAY, 6 JUNE 2017

MR J. HITCHCOCK appeared on behalf of the RVL Stewards

MR M. HYLAND appeared on behalf of Mr D. Bates

CHAIRMAN: Mr Declan Bates, you pleaded not guilty to a charge of careless riding, in that in race 2 over 1100 metres at Geelong on 2 June last, you permitted your mount, Detroit Rocks, to shift out near the 100-metre mark when not sufficiently clear of Feathers of Fame, ridden by Lachlan King. The Stewards acknowledged that Detroit Rocks had been steadied to avoid the heels of Gay Face, ridden by Noel Callow. The Stewards imposed a penalty of suspension for eight meetings. Noel Callow was suspended for seven meetings, taking into account his plea of guilty.

You are appealing against both the conviction and the severity of the penalty. I have viewed the video of the race several times. There is no doubt but that Noel Callow took your running. Your mount was on the rails. Callow was one off and shifted into your running lane on the rails. Your mount was under the whip and finishing stronger than Callow's mount. There is also no doubt but that you shifted off Callow's heels and there is no doubt that interference was caused to Lachlan King's mount.

Mr Hyland freely admitted on your behalf that whilst Lachlan King's mount had a tendency to shift in, it was racing in a straight line when the interference to it occurred and that its racing manners do not come into the equation.

The argument advanced on your behalf by Mr Hyland is that effectively this is all one incident and not two separate incidents. He argues that Noel Callow's mount was under pressure, was weakening, that it shifted into your running lane and it should not have, causing you to stand up in the irons and shift off

its heels in taking evasive action, and thereby causing the interference to Lachlan King's mount.

The argument of the Stewards is that there were in essence two incidents. It is argued that Callow dropped back into your lap for several strides and you then moved out when you should not have, not being aware that Lachlan King's mount was to your outside, causing interference to it.

On balance, I cannot be satisfied that you were careless. It seems to me that this was effectively all the one incident. Noel Callow's mount, weakening under pressure, crossed into your running lane, and dropped back into your lap, with your horse finishing reasonably strongly and under full pressure. You took evasive action to avoid the heels of the weakening mount of Callow's and the interference resulted. Noel Callow pleaded guilty to careless riding and has been suspended.

As stated, in my view, this was all the one incident, and both you and Lachlan King were the victims and caught in the backwash of Noel Callow's carelessness. So the appeal is allowed with the conviction and penalty set aside.
