

APPEAL RESULT

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FROM: Registrar – Racing Appeals and Disciplinary Board

DATE: 5 August 2011

SUBJECT: **APPEAL HEARING RESULT – JOCKEY: DALE SMITH**

Panel Mr Brian Forrest (Deputy Chair), Mr Chris Enright, Mr Darren McGee.

Appearances Mr Des O’Keeffe appeared on behalf of Mr Smith.
Mr Allan Reardon appeared on behalf of the Stewards.

At Geelong Synthetic on Friday, 29 July 2011 jockey Dale Smith was found guilty of a charge of careless riding on his mount *The Anchorman* in Race 5 the *Geelong Advertiser Maiden Plate* (1300m).

The careless riding being that he permitted his mount to shift in when not sufficiently clear of *Variate* thereby taking that horse in onto *Derisive* which in turn was taken in on to *Delago Dusk* and as a result of this *Variate* had to be steadied off *The Anchorman’s* heels, *Derisive* had to be checked when tightened for room and *Delago Dusk* was hampered.

Dale Smith had his licence to ride in races suspended for a period to commence at midnight on Tuesday, 2 August 2011 and to expire at midnight on Sunday, 14 August 2011 - a total of 12 race meetings (5 metropolitan, 7 country). In assessing penalty Stewards took into account Dale Smith’s good race riding record and that the careless riding was in the mid-range category.

A Notice of Appeal against **the decision and severity of the penalty** was lodged on Monday, 1 August 2011.

A stay of proceedings was granted effective until midnight Thursday, 4 August 2011.

A late application was made at the hearing to withdraw the appeal against decision and proceed with the appeal against severity of penalty only. This application was accepted by the Board.

DECISION: Appeal against severity of penalty allowed.

Penalty varied – taking into account the stay of proceedings, the period of suspension will now expire at midnight on Saturday, 13 August 2011 (9 race meetings).

**TRANSCRIPT OF
PROCEEDINGS**

RACING APPEALS AND DISCIPLINARY BOARD

MR B. FORREST, Deputy Chairman
MR C. ENRIGHT
MR D. McGEE

EXTRACT OF PROCEEDINGS

DECISION

**IN THE MATTER OF THE GEELONG ADVERTISER MAIDEN
PLATE OVER 1300 METRES AT GEELONG ON 29/7/11**

JOCKEY: DALE SMITH

MELBOURNE

FRIDAY, 5 AUGUST 2011

MR A. REARDON appeared on behalf of the RVL Stewards

MR D. O'KEEFFE appeared on behalf of the Appellant

DEPUTY CHAIRMAN: The Board has unanimously agreed on the disposition of this matter which is now confined to the severity of the penalty. Before this Board, Dale Smith has withdrawn his appeal against the careless riding conviction.

We have taken into account the submissions made by Mr Reardon and Mr O'Keeffe. We accept a minor role was played by other horses in the incident but that is not a relevant factor to the conviction. The relevance, if any, is confined to the question of penalty and we are not satisfied that in the present circumstances this was a material factor.

We have considered the circumstances of the interference and the degree of interference and, as Mr Reardon has very fairly pointed out, a half-stride further and there is no problem. Mr Smith has got a good riding record, he is not a rider noted for adopting a cavalier attitude towards other riders.

Taking into consideration the circumstances of the interference which we assess as within the mid-range, the admission of guilt and his record, we consider the penalty which reflects these factors is one of 9 meetings (3metro, 6 country) and as, pending this appeal, Smith has been riding on a stay ceasing at midnight last night the suspension will now expire at midnight Saturday, August 13 2011.

The penalty is varied accordingly.

END OF EXTRACT