

# RACING APPEALS AND DISCIPLINARY BOARD

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## APPEAL DECISION

NOEL CALLOW

#### RACING VICTORIA STEWARDS

**Date of Hearing:** 4 October 2016

<u>Heard By:</u> Judge Bowman (Chair).

**Appearances:** Mr Brent Scarlett appeared on behalf of the stewards.

Mr Des O'Keeffe appeared on behalf of Mr Callow.

At Pakenham on Friday 30 September 2016, jockey Noel Callow pleaded guilty to a charge of careless riding on his mount *Berlutti* in Race 6 the *Club Officer BM78 Handicap* (1200m).

The careless riding being that passing the 900 metres he permitted his mount to shift in when insufficiently clear of *Florelle*, which as a result was carried in across the running of *Septamore*, which was tightened for room and had to be restrained by its rider and lost its rightful position.

Mr Callow had his licence to ride in races suspended for a period to commence at midnight on Friday, 30 September 2016 and to expire at midnight on Saturday, 8 October 2016 – a total of 10 race meetings (3 metro, 7 provincial).

In assessing penalty the Stewards were of the view that the incident qualified for the low end of the mid-range category of carelessness and took into account his guilty plea, record and personal circumstances.

A Notice of Appeal against **the severity of the penalty** was lodged on Sunday, 2 October 2016. A stay of proceedings was not requested

DECISION: Appeal dismissed - penalty to remain standing.

## TRANSCRIPT OF

## **PROCEEDINGS**

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### RACING APPEALS AND DISCIPLINARY BOARD

HIS HONOUR JUDGE BOWMAN, Chairman

**EXTRACT OF PROCEEDINGS** 

**DECISION** 

IN THE MATTER OF THE CLUB OFFICER BM 78 HANDICAP OVER 1200 METRES AT PAKENHAM SYNTHETIC ON 30/9/16

**NOEL CALLOW** 

and

RACING VICTORIA STEWARDS

RACING VICTORIA CENTRE, FLEMINGTON

**TUESDAY, 4 OCTOBER 2016** 

MR D. O'KEEFFE appeared on behalf of Mr N. Callow

MR B. SCARLETT appeared on behalf of the RVL Stewards

CHAIRMAN: Mr Noel Callow has pleaded guilty to a charge of careless riding in race 6 at Pakenham on 30 September 2016 when permitting his mount, Berlutti, to shift in when not sufficiently clear of Florelle, ridden by Dean Holland, causing that horse to be carried in across the running of Septamore, ridden by John Allen, which was tightened for room and lost its rightful position. The Stewards imposed a penalty of suspension for 10 meetings, commencing at midnight on Friday, 30 September 2016. A stay was not requested.

The Stewards felt the interference was at the lower end of the mid-range, a proposition not contested by Mr O'Keeffe on behalf of Mr Callow. Of course, the ranges used are not rules but are used as a guide to assist with consistency.

I have viewed the videos. There is no doubt that Mr Callow's mount moved across that of Dean Holland when not sufficiently clear of it, and John Allen on Septamore, who has ultimately suffered the bulk of the interference. So two horses were involved. I would also agree that it was interference at the lower end of the mid-range, if ranges are taken into account.

As did the Stewards, I take into account Mr Callow's virtually immediate guilty plea. Further, he has a very good record. I am also aware of his personal circumstances, as were the Stewards. I accept that his contract in Mauritius turned into a disaster and that he now needs every ride he can get to support his family. However, the bottom line imposed by the Stewards of 10 meetings took those matters into account and was appropriate for the offence.

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At that time, Mr Callow was hopeful of gaining the ride on The Cleaner in the Cranbourne Cup on Sunday next. The penalty imposed by the Stewards would expire at Saturday midnight, enabling him to take that ride if he were to secure it. Unfortunately he has not picked up that ride. To vary an appropriate period of suspension by a very modest amount - for example, to enable Mr Callow to ride at Pakenham Saturday - would in my opinion amount to tinkering.

Whilst sympathetic to Mr Callow's situation, mindful of the matters raised and well argued by Mr O'Keeffe, I am not prepared to tinker with the penalty which seems to me to be appropriate. The appeal is dismissed.

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