



RACING APPEALS AND DISCIPLINARY BOARD

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APPEAL DECISION

BRIAN HIGGINS
and
RACING VICTORIA STEWARDS

Date of Hearing: 17 August 2016

Heard By: Judge Bowman (Chair).

Appearances: Mr Wade Hadley appeared on behalf of the stewards.
Mr Des O'Keeffe appeared on behalf of Mr Higgins.

At Cranbourne on Thursday 11 August 2016, jockey Brian Higgins pleaded guilty to a charge of careless riding on his mount *Riyadh* in Race 8 the *Roast Night @ Trios BM64 Handicap* (2025m).

The careless riding being that near the 400 metres he permitted his mount to shift out where there was insufficient room resulting in *Gorgeous Ryder* being carried out into the running of *Ranger's Run*, which was inconvenienced and carried out into the running of *Coulson* resulting in *Coulson* being severely checked and *Ranger's Run* being inconvenienced and checked.

Brian Higgins had his licence to ride in races suspended for a period to commence midnight Friday, 12 August 2016 and to expire midnight Friday, 26 August 2016 - a total of 14 race meetings (3 metropolitan, 11 provincial). In assessing penalty Stewards took into account his guilty plea, record and the high range category of carelessness.

A Notice of Appeal against **the severity of the penalty** was lodged on Friday, 12 August 2016. A stay of proceedings was not requested.

DECISION: Appeal dismissed.
Penalty to remain standing.

Georgie Gavin
Registrar - Racing Appeals & Disciplinary Board

**TRANSCRIPT OF
PROCEEDINGS**

RACING APPEALS AND DISCIPLINARY BOARD

HIS HONOUR JUDGE J. BOWMAN, Chairman

EXTRACT OF PROCEEDINGS

DECISION

**IN THE MATTER OF THE ROAST NIGHT TONIGHT @ TRIOS
BM 64 HANDICAP AT CRANBOURNE ON 11/8/16**

BRIAN HIGGINS

and

RACING VICTORIA STEWARDS

MELBOURNE

WEDNESDAY, 17 AUGUST 2016

MR D. O'KEEFFE appeared on behalf of Mr B. Higgins

MR W. HADLEY appeared on behalf of the RVL Stewards

CHAIRMAN: Mr Brian Higgins, you have pleaded guilty to the charge of careless riding, in that in race 8 at Cranbourne on 11 August last, you permitted your mount Riyadh to shift out near the 400-metre mark when there was insufficient room, causing inconvenience to Gorgeous Ryder, Rangers Run and Coulson, causing two of those, Rangers Run and Coulson, to be checked. The Stewards deemed the carelessness to be in the higher range and, taking into account your guilty plea and your record, suspended you for 14 meetings from midnight, 12 August 2016 to midnight on Friday, 26 August 2016. You are appealing against the severity of that penalty.

I have viewed the video of the race. There is no doubt that a higher level of interference was caused to at least one horse, Coulson, ridden by Damian Lane, when you forced a run to the outside of the horse ridden by Darren Gauci which was tiring rapidly and was no longer being ridden along. Your horse was directly behind it. Ryan Maloney was riding immediately to your outside. I note that at page 4 of the transcript of the post-race interviews, Ryan Maloney stated there was probably not a run between his mount and Gauci's tiring horse. You effectively forced a run, at least brushing Maloney's mount, in turn forcing it out, forcing Daniel Stackhouse wider, then ultimately onto Coulson who checked quite severely and was effectively put out of the race.

Doubtless the comparatively sudden weakening of Gauci's mount caused you a problem. This can happen if, for example, a horse breaks down. It is very bad luck to be trapped behind it, particularly, as was the case here, your horse was travelling well. Indeed, it went on to win.

However, if there is no run available, unfortunately the only safe option is to check your mount until you can safely get around that horse as it goes back through the field. It is conceded that you took the wrong option.

The level of interference caused was high. I take into account your guilty plea, the fact that you are a busy jockey who is well regarded in the industry and that you have a good record. However, the carelessness was in my opinion of a high level. The wrong option was carelessly taken and caused a high level of interference. The penalty imposed by the Stewards seems to me to be fair and reasonable and the appeal is dismissed.
