

APPEAL RESULT

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FROM: Registrar – Racing Appeals and Disciplinary Board

DATE: 12 March 2015

SUBJECT: **APPEAL HEARING RESULT – JOCKEY: CRAIG ROBERTSON**

Panel Judge Russell Lewis (Chair), Mr Stephen Curtain, Mr Darren McGee.

Appearances Mr Des O’Keeffe appeared on behalf of Mr Robertson.
Mr Wade Hadley appeared on behalf of the Stewards.

At Kyneton on Tuesday 9 March 2015, jockey Craig Robertson was found guilty of a charge of careless riding on his mount *Been Scene* in Race 4 the *Kyneton Toyota 3YO Fillies Maiden Plate* (1209m).

The careless riding being that approaching the 800m he permitted his mount to shift in when insufficiently clear of *Lumic* which had to be checked before relieving the pressure, Stewards also acknowledge that leading up to the incident *Lumic* over-raced and had raced greenly.

Mr Robertson had his licence to ride in races suspended for a period to commence at midnight on Thursday, 5 March 2015 and to expire at midnight on Thursday, 12 March 2015 – a total of 8 race meetings (2 metro, 6 provincial.)

In assessing penalty Stewards took into account the racing manners of *Lumic*, Craig Robertson’s overall good record and that the carelessness was in the low range.

A Notice of Appeal against **the decision and severity of the penalty** was lodged on Wednesday, 4 March 2015.

A stay of proceedings was granted effective until midnight Wednesday, 11 March 2015.

DECISION: **Appeal allowed.**

**TRANSCRIPT OF
PROCEEDINGS**

RACING APPEALS AND DISCIPLINARY BOARD

**HIS HONOUR JUDGE R.P.L. LEWIS, Chairman
MR S. CURTAIN
MR D. McGEE**

EXTRACT OF PROCEEDINGS

DECISION

**IN THE MATTER OF THE KYNETON TOYOTA THREE-YEAR-OLD
FILLIES MAIDEN PLATE AT KYNETON ON 9/3/15**

JOCKEY: CRAIG ROBERTSON

MELBOURNE

THURSDAY, 12 MARCH 2015

MR W. HADLEY appeared on behalf of the RVL Stewards

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

CHAIRMAN: In this appeal, the Stewards rely on the evidence of Mr Conway, who made his observations from the Stewards' tower, the evidence of the Appellant on page 2 of the transcript and the evidence of Michael Walker on page 3, together with the head-on and, to a lesser extent, the side-on vision of the race.

The Board, for reasons expressed during the hearing, gives little weight to Conway's evidence. As to the transcribed evidence of Walker and the Appellant, that evidence is capable of differing interpretations, as are the films shown.

The Stewards carry the onus of satisfying the Board on the balance of probabilities that the Appellant was careless. In this case and, not surprisingly, having regard to the continuous erratic behaviour of Walker's mount, the Board has been left in the position where it is unable to be satisfied that the Appellant's mount shifted in as alleged by the Stewards. Accordingly, the appeal is allowed.
