22 December 2021

**DECISION**

**RACING VICTORIA**

**and**

**ANGELA BENCE**

**Date of hearing:** 15 December 2021

**Panel:** Judge John Bowman (Chairperson).

**Appearances:** Mr Alex Streckbein appeared on behalf of the Stewards.

Ms Angela Bence represented herself.

**Charge:** Australian Rule of Racing (“AR”) 137(7)(a)(ii) states:

(7)Subject to the other requirements in this rule:

 (a) prior to the 100 metre mark in a race, official trial or jump-out:

(ii) the whip must not be used on more than 5 occasions except where there have only been minor infractions and the totality of the whip use over the whole race is less than permitted under subrules (7)(a) and (b) and also having regard to the circumstances of the race, including 92 distance and context of the race (such as a staying race or a rider endeavouring to encourage the rider’s horse to improve);

**Particulars of charge:** The particulars of that charge being that Ms Bence used her whip on 11 occasions prior to the 100m mark, which is 6 more than permitted. Ms Angela Bence’s license to ride in picnic races was suspended for a period of two race meetings, to commence midnight the 11 December 2021 and to expire midnight 26 December 2021. In assessing penalty Stewards took into account Ms Angela Bence’s record and her sparing use of the whip over the final 100m.

**Plea:** Guilty

**DECISION**

Ms Angela Bence, you are appealing concerning a suspension handed down by the Stewards for a whip breach – that is, a breach of AR 132 (7)(a)(ii). At all times you have pleaded guilty to the charge. It concerns your use of the whip in Race 7 at the Healesville picnic meeting on 11 December 2021. The allegation of the Stewards is that you used the whip eleven times prior to the 100 metre mark, the Rule prohibiting the use of the whip more than five times. You do not challenge this, effectively saying that you lost concentration and were trying to ride the horse in accordance with your instructions. You rely upon your record, which is very good.

You have been riding at picnic meetings for something in excess of twelve years. You were reprimanded on 28 February 2016 for using the whip seven times prior to the 100 metre mark in a race at Yea. That was your first offence and that was taken into account.

Whip use is a contentious issue. It is linked to the image of racing and the public perception. Unfortunately, you were considerably over the five strike limit – more than double it. I also take into account penalties imposed on picnic jockeys for this offence. Two meeting suspensions and a fine seems to be the penalty consistently imposed, although the fine was not added in the case of one jockey with a very good record. Mr Tim Grace used the whip eleven times prior to the 100 metre mark the same number as in your case. He was suspended for two race meetings. Mr Shaun Cooper was suspended for two race meetings for nine strikes before the 100 metre mark. These are just a couple of examples.

Despite your very good record – the one previous reprimand – I am of the view that the penalty imposed by the Stewards was fair and reasonable particularly for eleven strikes.

As stated, I appreciate your very good record and your guilty plea. However, the penalty imposed by the Stewards, which did not include a fine, seems to me to be appropriate. Accordingly, the appeal is dismissed.

Mark Howard
Registrar, Victorian Racing Tribunal