17 November 2020

**DECISION**

**RACING VICTORIA**

**and**

**MR DAMIAN LANE**

**Date of hearing:** 4 November 2020

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

**Appearances:** Mr Robert Cram appeared on behalf of the Stewards.

Mr Damian Lane represented himself.

**Charge:** Australian Rules of Racing (AR) 131(a) states a rider must not, in the opinion of the Stewards, engage in careless, reckless, improper, incompetent or foul riding.

**Particulars of charge:** Damian Lane (Order Of Command) was found guilty of a charge of careless riding under the provisions of AR131(a), the careless riding being that near the 1000 metres, he permitted his mount to shift out when not clear of Blazejowski, resulting in that gelding having to be steadied to avoid the heels of Order Of Command. Damian Lane had his licence to ride in races suspended for a period to commence midnight 3 November 2020 to expire midnight 11 November 2020, a total of 9 race meetings (2 metropolitan, 7 provincial). In assessing penalty Stewards took into account his record, the racing manners of Blazejowski, the fact it was a Group 2 race and that the carelessness was in the low range.

**Plea:** Not Guilty

**DECISION**

Mr Damian Lane, you are appealing against a decision of the Stewards in which you were found guilty of careless riding. The decision involved Race 3, the Group 2 Linlithgow TAB Stakes down the straight six at Flemington on Saturday, 31 October 2020.

You were riding “Order Of Command”. Mr Kerrin McEvoy was riding “Blazejowski”. The Stewards allege that in the vicinity of the 1000 metre mark, you crossed Mr McEvoy’s mount when not sufficiently clear of it, causing it to be steadied. You are pleading “not guilty” to the charge.

I have viewed the video many times, including the vision from Towers 2 and 3 and the chopper shot. I accept that Blazejowski is a horse that tends to race keenly and throw its head about. For this reason, it is featured in the Stewards report on several occasions. I also accept that Mr McEvoy had instructions to try to obtain cover. You jumped from Gate 4 and Mr McEvoy from Gate 5. It would appear to have been his intent to let you cross him and obtain cover behind you.

You did cross him. As you did this, Blazejowski turned its head quite markedly to the right. This did not appear to me to be one of the head movements it had engaged in during other parts of the race. The chopper shot would seem to me to confirm that you were insufficiently clear when your horse crossed Blazejowski and that it either threw its head, or Mr McEvoy pulled its head to the right. It may be that his instructions were to get cover and he was hoping to get behind you, but the fact remains that you crossed Blazejowski when not sufficiently clear of it and either it or Mr McEvoy, or both, reacted accordingly.

In short, I find that this was careless riding and that the charge has been made out.

Mr Lane had nothing to say on the question of the penalty, which seems to me to be reasonable. Accordingly, the appeal is dismissed.

Mark Howard
Registrar, Victorian Racing Tribunal