17 November 2020

**DECISION**

**RACING VICTORIA**

**and**

**MR DANIEL MOOR**

**Date of hearing:** 4 November 2020

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

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

Mr Daniel Moor represented himself.

**Charge:** Australian Rules of Racing (AR) 132(7)(a)(ii) states subject to the other requirements in this rule prior to the 100 metre mark in a race, official trial or jump-out 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 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:** Mr Daniel Moor pleaded guilty under the provisions of AR132(7)(a)(ii) in that he used his whip on 12 occasions prior to the 100 metres which is seven more than permitted. Daniel Moor had his licence to ride in races suspended for a period to commence midnight 3 November 2020 to expire at the conclusion of the day meeting on 13 November 2020, a total of 12 race meetings (3 metropolitan, 9 provincial). Daniel Moor was also fined $1,500. Stewards took into account his guilty plea, record, totality of whip strikes and the fact that he placed 4th in a Group 1 event.

**Plea:** Guilty

**DECISION**

Mr Daniel Moor, you are appealing from a decision of the Stewards to fine you $1,500 and suspend you for 12 meetings. This was for excessive use of the whip on “Age of Chivalry” in the Group 1 Cantala Stakes at Flemington on Saturday, 31 October 2020. It is alleged, and not contested, that you struck Age of Chivalry with the whip 12 times prior to the 100 metre mark and a further 6 times between there and the finishing post. Age of Chivalry finished fourth, earning prize money of $67,500, and had been well in the battle over the concluding stages.

You are appealing against the above penalty, but pleading guilty to the offence.

On 1 August 2020, Stewards published guidelines in relation to excessive whip use penalties and as I understand it, those guidelines were prepared in conjunction with the Victorian Jockeys Association (“VJA”). The guidelines include penalties of a suspension for 1 meeting for each relevant whip strike prior to the 100 metre mark and 50% of any stake money percentage of 5%. The penalties imposed in the present case are in accordance with those guidelines. I appreciate that they are just that – guidelines, but they have been circulated to jockeys and are well understood.

Whip use is a controversial topic that has attracted much public attention. It is very important that jockeys be conscious of excessive whip use and the penalties in relation to it.

You have pointed out the greater impact that a penalty will have upon jockeys during, for example, Cup week, when stake money is high and there are frequent meetings. However, the other side of the coin is that the Spring Carnival, and particularly Cup week, is the very time that racing is at its most prominent in the media and attracts the greatest public interest and viewing. It is the very time when welfare matters are under the most scrutiny.

In short, whilst the guidelines are not binding, I can well understand why they are structured in the way that they are. I repeat that apparently the VJA played a significant role in that structure.

You are a very talented jockey, increasingly attracting the attention of prominent trainers since your return from overseas. I appreciate that this penalty will have quite a short term impact upon you, as you would have been much in demand.

However, the penalty seems to me to be a fair and appropriate one and the appeal is dismissed.

Mark Howard
Registrar, Victorian Racing Tribunal