1 December 2021

**DECISION**

**RACING VICTORIA**

**and**

**JACK HILL**

**Date of hearing:** 24 November 2021

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

**Appearances:** Mr Raymond Livingstone appeared on behalf of the Stewards.

Mr Jack Hill represented himself.

**Charge:** Australian Rule of Racing (“AR”) 131(a) states:

 A rider must not, in the opinion of the Stewards:

(a) engage in careless, reckless, improper, incompetent or foul riding.

**Particulars of charge:** Mr Jack Hill was found guilty of a charge of careless riding under AR131(a) in that approaching the 300 metres he permitted his mount to shift out when not sufficiently clear of Yaroomba resulting in Yaroomba being steadied when crowded for room between Perceptive and Flying Artist.

**Plea:** Not Guilty

**DECISION**

Mr Jack Hill, you are appealing against both conviction and penalty in relation to a charge of careless riding. The charge arises out of your ride on Flying Artist in Race 3 at Terang on Friday, 19 November 2021. The race was over 1200 metres. The other horse involved was Yaroomba, ridden by Mr Michael Poy. The incident relied upon by the Stewards occurred in the straight at about the 300 metre mark. I am not of the opinion that any other horse contributed to what occurred.

I have viewed the video of the race many times. I say now, as I said during the hearing, that I considered the most significant and helpful video was that taken across the track. That something occurred involving the two horses is apparent from the other videos, but only the side on view across the track gives any real picture of the margin involved.

You shifted out from near the rails. Mr Poy clearly took hold of his mount and pulled its head away from the rails. He was to your outside. Your horse was travelling better and was being held up by the horse ahead of it. You moved out to get a clear run. Mr Poy restrained his horse, turning its head to the right. The question is whether you moved out when not sufficiently clear of him.

The across the track video, which I have viewed numerous times, shows that you moved out when about 1.70 to 1.75 lengths ahead of Mr Poy. Those figures are my calculations, based on the only helpful video, which has no scale or measurements on it.

The Stewards apply what Mr Livingstone described as the “golden rule” of two lengths, which is not based on anything in the Rules, but on experience. Of course, horses themselves are of different lengths and there is more than one way of calculating the length of a horse. Two lengths is in reality no more than a helpful guide.

I find the charge proven. I do so not by the application of any golden or inflexible rule or rule of thumb as to margins or distances. Whilst I take into account the space available when you shifted out, I note that Mr Poy did have to take hold of his mount and noticeably restrained it; his estimate of the distance involved; and your frank admission when interviewed that it was “a tad tight” when you shifted out.

This is a slightly unusual case, but I do find the charge proven and the appeal on liability is dismissed.

**PENALTY**

The Stewards imposed a penalty of 9 meetings suspension. You are appealing against that and point to your very good record of only two careless riding suspensions in your last 843 rides.

I accept that. I am also of the view that you could be considered a little unlucky. Careless riding is never to be condoned and, as I have found, the Stewards were justified in bringing the charge. However, your degree of carelessness was, in my opinion, at the very bottom of the scale. You were about a quarter of a length away from not being charged. That is no criticism of the Stewards. I repeat that they were fully entitled to bring the charge and have proved it to my comfortable satisfaction.

However, I repeat that this was a very low level of carelessness. It was certainly not a frivolous appeal. The Stewards’ scale of penalties and suspensions is a very useful tool in providing consistency and letting jockeys know what to expect. In your particular, and as I have said, unusual case, I am prepared to uphold your appeal and go below what could be called the usual range.

The appeal against penalty is upheld. You period of suspension is varied to seven meetings.

Mark Howard
Registrar, Victorian Racing Tribunal