10 November 2022

**DECISION**

**RACING VICTORIA**

**and**

**JAMES McDONALD**

**Date of hearing:** 8 November 2022

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

**Appearances:** Mr Rob Montgomery appeared on behalf of the Stewards.

Mr Matthew Hyland represented Mr James McDonald.

**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:** James McDonald (Roots) pleaded guilty to a charge of careless riding under the provision of AR131(a). The careless riding being that near the 1200 metres he put his mount in a position where he had the two runners to his inside, Rocha Clock and Perfect World, racing unnecessarily tight and being hampered. James McDonald had his licence to ride in races suspended for a total of eight meetings to commence midnight 5 November, 2022 and to expire midnight 12 November, 2022 (2 metro, 6 provincial). In assessing penalty, the Stewards were of the view that the incident qualified for the low-range category of carelessness and took into account his guilty plea and excellent record.

**Plea:** Guilty

**DECISION**

Mr James McDonald, you are appealing against the decision of the Stewards to suspend your licence for eight meetings. This arose from your ride on Roots in Race 3 at Flemington on Oaks Day, being on 3 November 2022. The race was over 1600 metres. It is alleged by the Stewards that you caused interference to two horses, namely Rocha Clock ridden by Mr Hugh Bowman and Perfect World ridden by Mr Mark Zahra. The alleged interference occurred near the 1200 metre mark. To state the obvious, your appeal is against the severity of the penalty.

I have viewed the videos of the race, including the “chopper shot”, a number of times. In the vicinity of the 1200 metre mark, Mr Zahra was on the rails, Mr Bowman was to his outside. You were two and a half to three wide and had been at least half a length ahead of them. You eased back a little and raced very close to the outside of Mr Bowman. You caused him to check briefly and Mr Zahra, to his inside, was also briefly up in the irons. In each instance, the checking of the mounts and the jockeys being up in the irons was very brief, but can be noticed, and, in any event, you have pleaded guilty.

As emphasised by yourself and Mr Hyland, who was assisting you, you have an outstanding record. You have not faced a careless riding charge since April 2021. In that time, you have had 1,068 rides, including rides in 326 stakes races. You have ridden in 80 group 1 races. You have ridden at 21 tracks in three countries – Australia, England and Hong Kong. I accept that you have ridden in top level races in all three countries, often on very well supported horses well and truly in the market. Many of these would have been very competitive races. To do all of that in eighteen months without facing a careless riding charge constitutes a truly remarkable record.

On the other hand, jockeys, and particularly leading and experienced jockeys, should be well aware of the level of care required in such races and the fact that the Stewards are watching them carefully.

I say now that I do uphold the appeal and I reduce the period of suspension to 7 meetings. This may sound like “tinkering”, but, whilst keeping the importance of a safe carnival and safe riding generally very much in mind, I am greatly impressed by your absolutely outstanding record and the fact that the degree of interference caused was very brief and particularly low. The other jockeys involved were up in the irons extremely briefly.

In summary, on balance, the appeal is upheld and the period of suspension reduced to seven meetings.

Mark Howard  
Registrar, Victorian Racing Tribunal