20 July 2021

**DECISION**

**RACING VICTORIA**

**and**

**JASON BENBOW**

**Date of hearing:** 5 July 2021

**Panel:** Judge John Bowman (Chairperson) and Magistrate John Doherty (Deputy Chairperson).

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

Mr Des O’Keeffe represented Mr Jason Benbow.

**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 Jason Benbow, as the rider of Muntham Missile, in the Apsley Cup, Race 7 at Edenhope on Sunday, 13 June 2021, did allow your mount to shift out on straightening near the 300 metres when not clear of Pres De Toi which, as a result, clipped heels and blundered, dislodging its rider, Ms Carleen Hefel.

**Plea:** Not Guilty

**DECISION**

Mr Jason Benbow has pleaded not guilty to a charge bought by Stewards under AR 131(a). A rider must not in the opinion of Stewards engage in careless, reckless, improper, incompetent or foul riding. To be specific, the charge centres on the riding being ‘careless’. The particulars of the charge are as follows:

Jason Benbow, as the rider of Muntham Missile, in the Apsley Cup, Race 7 at Edenhope on Sunday, 13 June 2021, did allow his mount to shift out on straightening near the 300 metres when not clear of Pres De Toi which, as a result, clipped heels and blundered, dislodging its rider, Ms Carleen Hefel.

A Stewards inquiry was conducted on 13 June 2021, and concluded on 30 June 2021 when Stewards found Mr Benbow guilty of the charge alleged and suspended his licence to ride in races for a period of 25 race meetings. It is against the Stewards finding of guilt and penalty given that Mr Benbow now appeals to this Tribunal.

Four Stewards were assigned to the race meeting. In respect of the subject race, the Chairman Mr Woolaston was working in the main tower in the straight, Cadet Steward Lewis was on course and Stewards Livingstone and Laskey were in the Stewards room. The Stewards’ tower near the home turn was unattended, with two cameras to record vision of the race, one of which was set at ground level.

In our opinion, neither jockey Liam Riordan (Yulong Rising) nor Mikaela Lawrence (Dr Dee Dee), who were questioned in the first inquiry, can add much to assist the Tribunal in determining the charge against Mr Benbow. Ms Lawrence’s evidence in the second inquiry is not determinative, except that she appears to have played no part in the race fall. Craig Robertson (licenced jockey) assisted Ms Lawrence in her first inquiry. His view was that Edenhope has a very tight home turn and virtually all horses shift out, except that on this occasion, Ms Hefel’s mount, Pres De Toi, came around the corner better than any other horse and may have even shifted in. Mr Robertson was of the view that Jason Benbow’s mount may not have got around the corner that well and that Ms Hefel’s horse may have clipped heels and fell. It is important to note that, on the second day of inquiry, the Stewards’ Chairman remarked that it cannot be established from the film whose heel Ms Hefel clipped. Respectfully, we agree with that observation. Both Tribunal members have viewed the race footage many times.

For his part, Mr Benbow has drawn the Tribunal’s attention to at least half a dozen points of the race to detail the relative position of horses. In relation to any alleged interference, Mr Benbow says that he came off the fence to a four wide position and maintained that position. Going to his outside and described as six wide was Ms Lawrence’s mount. Mr Benbow says that there was always sufficient room for Ms Hefel’s mount to race in between him and Dr Dee Dee. This is where Stewards disagree and say that Mr Benbow drifted out and closed any gap.

Essentially, we have Mr Livingstone’s observation from the available film and Mr Benbow’s evidence. There is brief evidence from Ms Hefel, but it is patchy. It is mostly from the video footage and not from her direct recall of the race. The video footage of the circumstances leading up to the fall is, in our opinion, inconclusive and less than ideal. We are not comfortably satisfied that the charge against Mr Benbow has been made out. Accordingly, his appeal is allowed and the charge against him is dismissed.

Mark Howard
Registrar, Victorian Racing Tribunal