11 October 2019

**DECISION**

**RACING VICTORIA**

**and**

**MR LUKE CURRIE**

**Date of hearing:** 8 October 2019

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

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

 Mr Matthew Hyland appeared on behalf of Mr Currie.

**Charge:** Australian Rule 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:** Luke Currie (Sunlight) pleaded guilty to a charge of careless riding under the provision of AR131(a). The careless riding being that near the 1050 metres he permitted his mount to shift in when not sufficiently clear of I am Someone resulting in that horse being taken in and then having to be steadied to avoid the heels of Sunlight. Luke Currie had his licence to ride in races suspended for a total of eight meetings to commence midnight 5 October 2019 and to expire midnight 12 October 2019. (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 record.

**Plea:** Guilty

**DECISION**

Mr Luke Currie, you have pleaded “Guilty” to a charge of careless riding, in race 6, the Group 2 Gilgai Stakes, at Flemington on Saturday 5 October last, near the 1050 metre mark you permitted your mount, Sunlight, to shift in when not sufficiently clear of I Am Someone, ridden by Jordan Childs, resulting in it being taken in and having to be steadied to avoid Sunlight’s heels. On the day, the Stewards found the charge of Careless Riding to be made out and imposed a period of suspension of 8 meetings.

I have viewed the video material. It is quite clear that you crossed Jordan Childs when not sufficiently clear of his mount, causing him to take hold of his horse, which eventually got its head up and moved to one side. As stated, you pleaded “guilty” to the charge. The Stewards deemed the interference to be in the low range.

I appreciate that this is a busy and important time of the year for leading jockeys such as yourself.

As both Mr Cram and Mr Hyland would be aware, I have very recently dealt with Mr Brad Rawiller for a charge of careless riding of about the same magnitude. I am aware of the desirability of consistency of outcomes and penalties, whist also being aware that every case is different. I have said many times that the range of penalties imposed by the Stewards are not binding, but they are a useful guide as to what jockeys may expect and are particularly useful in that regard.

I would further point out that this was a Group 2 race at a time of the year when racing is in the spotlight and receives very considerable media attention.

In my opinion, and as I stated in my reasons, the case of Brad Rawiller was an unusual one. Apart from anything else, the calculation of days of his suspension may have been affected by the fact that interference occurred in a metropolitan Group 1 race which was conducted on a Sunday, due to the Grand Final. Whether or not that did in fact impact upon calculations is far from clear. It certainly was not determinative of the outcome. However, it did make the situation slightly unusual.

There is a substantial difference between this case and that of Brad Rawiller. I said twice in my reasons that his record as a rider was excellent – he had one suspension in 415 rides since returning after his very severe neck injury. This was an important factor. I have referred to his case because of the similarities between the two in several ways and both are very recent cases.

Your record was described by the Stewards as good, although you recently said that it was not so good. The fact remains that you were suspended for careless riding on 28 July last. In fact, you have had two suspensions in approximately 2 ½ months. You had previously been suspended on 17 November 2018, with 4 severe reprimands between November 2018 and September 2019.

Whether that is a good record is borderline. It is certainly not the excellent record which was advanced in the Brad Rawiller case. Whilst I have sympathy for your position, in my opinion the penalty imposed by the Stewards of 8 meetings was a fair one and is consistent with what has been imposed in similar cases. Accordingly, the appeal is dismissed. I thought that some explanation as to the differences between the outcome in your case and that in Brad Rawiller might assist in an understanding as to the consistency of outcomes.

Mark Howard
Registrar, Victorian Racing Tribunal