20 July 2021

**DECISION**

**RACING VICTORIA**

**and**

**NATHAN NEWTON**

**Date of hearing:** 23 February 2021

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

**Appearances:** Mr James Hitchcock appeared on behalf of the Stewards.

Mr Matthew Hyland represented Mr Nathan Newton.

**Charge:** Australian Rule of Racing 129(2) states:

Running and handling

(2) A rider must take all reasonable and permissible measures throughout the race to ensure that the rider’s horse is given full opportunity to win or to obtain the best possible place in the field.

**Particulars of charge:** 1. You are, and were at all relevant times, a jumps jockey (B) licensed by Racing Victoria.

2. On Tuesday 10 November 2020, you were engaged to ride Danayi in Race 2, the Hygain BM58 Highweight Handicap over 1600m at Hamilton (the Race).

3. You rode Danayi positively forward from the start from barrier four, until crossing to settle outside the leader, Franquin, passing the 1400m.

4. Between approximately the 1400m and approximately the 600m of the Race, you: a. permitted Danayi to stride at an extremely fast tempo; and b. you failed to make sufficient effort to steady your mount to afford Danayi some respite from the extremely fast tempo set by you.

5. It was reasonable and permissible for you to steady your mount between approximately the 1400m and approximately the 600m of the Race.

6. Danayi was placed sixth of seven starters and was beaten 9 lengths.

7. As a result of your conduct (as noted in particular 4(b)) you failed to take all reasonable and permissible measures throughout the Race to ensure that your horse was given full opportunity to win or to obtain the best possible place in the field.

**Plea:** Guilty

**DECISION**

1. This matter relates to the ride of Mr Nathan Newton on Danayi in Race 2, a Highweight Handicap over 1600 metres at Hamilton on 10 November 2020. Mr Newton is a jockey who rides over the jumps in the jumping session and in Highweight Handicaps in the off season.
2. As a result of his ride on Danayi, he was charged with a breach of AR 149 – in essence, not giving his horse the full opportunity to win or obtain the best possible place in the field. The Stewards allege that, between the 1400 metre mark and approximately the 600 metre mark, he allowed Danayi to stride at an extremely fast tempo and made insufficient effort to steady it.
3. The charge was referred to the Tribunal for hearing.
4. There has been discussion between Mr James Hitchcock on behalf of the Stewards and Mr Matthew Hyland, who is representing Mr Newton. The end result is that, subject to the approval of the Tribunal, Mr Newton has pleaded “guilty” and there has been an agreed penalty. That penalty is suspension for nine jumping/highweight races.
5. Of course, the final decision is always that of the Tribunal. However, if the parties have agreed on a penalty, as far as I am concerned there is every possibility that it will be imposed, unless there is good reason to the contrary. I am extremely confident that the Stewards would not seek an agreed penalty unless it was considered by them to be appropriate and there is no reason to believe that Mr Newton does not fully understand the penalty and consider it an agreeable outcome.
6. The penalty imposed on Mr Newton is suspension for nine jumping/highweight races, commencing immediately unless some further agreement is reached. I again congratulate the parties on this very sensible outcome.

Mark Howard  
Registrar, Victorian Racing Tribunal