23 October 2019

**DECISION**

**RACING VICTORIA**

**and**

**MR PAUL HAMBLIN**

**Date of hearing:** 21 October 2019

**Panel:** Judge John Bowman (Chairperson), Magistrate John Doherty and Mr Greg Childs

**Appearances:** Mr Justin Hooper instructed by Ms Charlotte Landy appeared on behalf of the Stewards.

Mr Matthew Hyland appeared on behalf of Mr Hamblin.

**Witnesses:** Mr Craig Durden appeared as a witness.

Mr Wade Hadley appeared as a witness.

 Mr Paul Hamblin appeared as a witness.

**Charge:** AR 129 (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 jockey licensed by Racing Victoria.
2. On 29 June 2019, you rode Hornets’ Nest in race 2, the Davis Blinds BM120 Hurdle over 3480 metres at Casterton.
3. Your ride of the horse in the race was contrary to AR 129 (2) on the following basis:
	1. Between approximately the 1200m and the 800m marks of the race you failed to improve your position and maintain contact with the body of the field in circumstances where it was reasonable and permissible for you to do so; and/or
	2. Between approximately the 800m mark of the race and jumping the last obstacle of the race you failed to ride your mount with sufficient vigour to improve your position in circumstances where it was reasonable and permissible for you to do so.
4. Hornets’ Nest placed fourth of seven starters in the race and was beaten by approximately ten lengths.

**Plea:** Not Guilty

**DECISION**

Mr Paul Hamblin, you have pleaded “Not Guilty” to a breach of AR129. The alleged offence occurred in Race 2, a hurdle over 3480 metres, at Casterton on 29 June 2019. You were riding Hornets’ Nest, an 11 year old gelding handicapped at 74kg. It is alleged that you failed to improve your position and maintain contact with the body of the field between the 1200 metre mark and the 800 metre mark when it was reasonable and permissible in so to do. Additionally, or alternatively, it is alleged that between the 800 metre mark and the last jump you failed to ride your mount with sufficient vigour to improve your position in circumstances when it was reasonable and permissible in so to do.

We have viewed the video several times and there are two principal camera angles. Your horse, which often races near the lead, was last and several lengths behind the second last horse at the winning post the first time. It then tacked on to the field. It then dropped back again. By the 1200 metre mark from the principal camera angle, it had effectively dropped off the back not just of the field but off the screen. It was a very considerable distance behind the second last horse. By the 800 metre mark, it was still at least 10 lengths from the leaders. The position of the 600 metre mark was much the same. There was still no sign of you applying any real pressure to your mount in order to make up ground. It was not that you were obviously attempting to put your horse under pressure but failing to make up ground. You were still at least 10 lengths from the leaders. Near the home turn you passed a couple of tiring horses, but the race was well and truly over. In short, between approximately the 1200 metre mark and the 600 metre mark you continued to sit quietly and made no extensible effort to bridge the gap on the leaders. By the home turn, to do so was impossible.

This was a very bad look. Those who backed Hornet’s Nest were entitled to ask “What on earth is going on?”, particularly if they were familiar with its normal pattern of racing.

We appreciate that your horse had a lot of weight and needed the run. We appreciate that the trainer did not want it flattened. We appreciate that you did not want to knock the horse around. However, every horse in a race must be given every chance to win or to finish as far forward as they can. In our view, whether it be by design or by reason or a poorly judged ride, Hornets Nest was not given every chance. It was a bad look for the punters, the patrons and for racing.

In short, you did not take all reasonable and permissible measures throughout the race to ensure that Hornets Nest was given full opportunity to win or to obtain the best possible place in the field. We are satisfied that the test in the case of Briginshaw has been satisfied and that you are guilty of the offence.

We agree that the matters of general and specific deterrence are most important. The good name of the racing industry in relation to these sort of matters needs to be protected. We appreciate that Mr Hamblin is obviously a very hard working jockey, he has been a jockey for 37 years and he has no relevant prior convictions. We also think this is not completely dissimilar to Tom Sadlers case in which hinged upon a failure to take a gap in a sprint race as opposed to carrying on a cause of action for quite a distance and again we appreciate that Tom Sadlers offence occurred in a city race on a Saturday at Caulfield.

We have weighed all those things up and we have come to the conclusion that the appropriate period of suspension is one of 4 weeks. The period of suspension shall start at midnight on 21 October 2019.

Mark Howard
Registrar, Victorian Racing Tribunal