16 October 2019

**DECISION**

**RACING VICTORIA**

**and**

**MR STAN TSAIKOS**

**Date of hearing:** 16 October 2019

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

**Appearances:** Mr Sam Cochrane appeared on behalf of the Stewards.

 Mr Matthew Hyland appeared on behalf of Mr Tsaikos.

**Charge:** Australian Rule 211(1) states a rider must ensure that his or her horse does not carry more than 0.5kg in a race over the weight that it is required to carry.

**Particulars of charge:** Ready For Action rider Stan Tsaikos (3rd placegetter) pleaded guilty to a charge under the provisions of AR211(1), in that he returned to scale in excess of 0.5kg over his declared riding weight. Stan Tsaikos licence to ride in races was suspended for a period of 18 race meetings (4 Metropolitan & 14 provincial) to commence at midnight Saturday October 12 and to expire at midnight Monday October 28. In assessing penalty stewards took in to account his guilty plea, the nose margin to first place and his poor recent record in relation to this rule.

**Plea:** Guilty

**DECISION**

Mr Stan Tsaikos, you have pleaded “guilty” to a breach of AR 211 at Donald on 8 October 2019. You were the rider of Ready For Action in race 6. Ready For Action ran 3rd, the margin being a dead heat for 1st and a nose to your mount. The Rule requires that a rider must ensure that his or her horse does not carry more than 0.5kg over the weight that it is required to carry. You weighed in 1kg over the allocated weight and 0.7kg over the weight at which you weighed out. The Stewards are of the view that the extra weight being carried cost Ready For Action the race.

Your explanation is and was that, after weighing out, you had a drink of water. You told Stewards that you were not feeling well, and probably should have stayed at home, but did not want to let connections down. Further, you had ridden early trackwork at Ballarat and could not find a sauna to use. The problem is that, by carrying 1kg over in a race, when you were beaten by the narrowest of margins, you potentially let yourself down, let the connections down and let the punting public down. The Stewards have advised that nationwide there was over $1.1 million of punting money on the race and $17,000 of that involved your horse, even though it was a long shot.

I do not wish to preach to you, but weight is the fundamental factor in the whole racing handicapping system. Handicapping is based on weight. There are highweight races. There are weight for age races. Apprentices allowances are expressed in weights. Trainers are happy, more often than not unhappy, about the weight allocated to horses in big handicap events. Australia’s greatest race, the Melbourne Cup, is a handicap where great consideration is given to the allocation of weights. Racing cannot have a system like the trots sometimes have in races, where handicapping is done by starting some horses 10, 20 or more metres behind the front row. Whilst in the gallops handicapping by distance used to be employed years ago in some of the picnic races, that has long since ceased. As I said, I am not trying to preach, but carrying the correct weight or very close to it is at the core of the entire handicapping system at the races. There is no payout until the famous “correct weight” call is made.

By carrying 1kg over, you unofficially re-handicapped your horse. With such a narrow margin involved, you probably cost yourself money, cost the connections money and cost the punting public money.

The upmost care must be taken in relation to carrying the correct weight. You failed to demonstrate that care.

You have pleaded “guilty” to the charge from the outset. That is to your credit.

You have had 3 prior convictions for a breach of this Rule in the last 6 months. On each occasion, it was not suggested that the extra weight affected the outcome. You were fined each time. It is strongly asserted that the extra weight made a difference in this race.

Mr Hyland, on your behalf, has taken me through the precedents, involving jockeys Jarrod Lorensini, John Allen, Anthony Boyd and Hugh Bowman. Jarrod Lorensini received a suspension of 10 weeks, as did John Allen. They did have concurrent suspensions for careless riding. Hugh Bowman’s offence occurred in last year’s Melbourne Cup, when he ran second on Marmello. He was 1kg over and was suspended for 13 meetings. It is not suggested that the extra 1kg affected the outcome, but it was in Australia’s greatest race and the subject of national and international attention.

Considering all these matters, including your guilty plea, I am of the view that the penalty of 18 meetings suspension should be reduced to 15 meetings. That exceeds the penalties imposed on Lorensini, Allen, Boyd and Bowman and that is because of the very narrowest of margins by which you were beaten.

However, given the circumstances of the day, your plea of guilty and the penalties imposed in similar cases, I am of the view that 15 meetings suspension represents a fair and proper outcome.

Mark Howard
Registrar, Victorian Racing Tribunal