31 May 2021

**DECISION**

**RACING VICTORIA**

**and**

**THOMAS STOCKDALE**

**Date of hearing:** 24 May 2021

**Panel:** Judge Graeme Hicks (Deputy Chairperson).

**Appearances:** Mr Brent Scarlett appeared on behalf of the Stewards.

Mr Daniel Moor represented Mr Thomas Stockdale.

Mr Thomas Stockdale appeared.

**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 charges:** Apprentice Thomas Stockdale, “Gotta Pulse”, pleaded guilty to a charge of careless riding under the provision of AR131(a). The careless riding being that near the 250 metres he permitted his mount to shift out from behind “Brazen Delight” where there was insufficient room to do so, carrying “Madam Cha Cha” out across the running of “Margarets Banter”, resulting in Madam Cha Cha having to be checked. Mr Stockdale had his permit to ride in races suspended for a total of 14 meetings to commence midnight Sunday 23 May, 2021 and to expire midnight Saturday 5 June, 2021. (4 metro, 10 provincial). In assessing penalty, the Stewards were of the view that the incident qualified for the high range category of carelessness and took into account his guilty plea and good record.

**Plea:** Guilty

**DECISION**

Mr Thomas Stockdale, you have pleaded guilty to breaching Australian Rule of Racing (“AR”) 131(a) by your careless riding on “Gotta Pulse” in Race 1 at the Moe Thoroughbred Race Meeting held on 18 May 2021.

Mr Dion Villella, a Steward on the day of the race, stated that he had a rear view of the incident. He observed that, as you were coming around the corner into the home straight, you permitted your mount to shift out behind the heels of “Brazen Delight” when there was insufficient room to do so and, as a result, carried “Madam Cha Cha” out across the running of “Margarets Banter”, resulting in Madam Cha Cha being checked to avoid the heels of Margarets Banter. He stated that, in his view, Margarets Banter, ridden by Mr Patrick Moloney, did not shift in at all. Mr Moloney stated at the Stewards inquiry that he did not deviate from his line. Mr Damien Thornton, the rider of Madam Cha Cha, stated at the inquiry that his mount was starting to weaken, but it was not hanging out. Although his horse’s head was turned inwards, he was just trying to hold his position and stay where he was.

You stated at the inquiry on 18 May 2021 that, before the incident happened, Mr Thornton’s horse was weakening and looking to sort of lug out a little bit, which made it look like as if there was going to be an eventual gap before you did take it. It did not help that Mr Moloney was still not clear of Mr Thornton when you did make your run. That just made it worse, but you accept the charge and realise that you were in the wrong.

I have heard submissions from the Stewards, from Mr Daniel Moor, who was representing you and from yourself. In addition, I have watched several replays of the race.

Having looked at the videos of the race, I agree with the Stewards that there was no room for you to take the action that you did. It was a risky manoeuvre that put Mr Thornton in a situation where he could have been seriously injured if his horse had fallen. Whatever slight shift Mr Moloney may have made, in my opinion, it made no material difference. In my opinion, your actions of moving out as you did are in the high range for careless riding.

In arriving at an appropriate penalty, I have taken into account that you pleaded guilty at the earliest possible time, being during the Stewards inquiry held on 18 May 2021, and that it was accepted by the Stewards that your record is very good.

In all the circumstances, the appeal is dismissed. The penalty is a suspension of 14 meetings, backdated to have commenced at midnight on 23 May 2021 and to conclude at midnight on 5 June 2021.

Kathleen Scully
Assistant Registrar, Victorian Racing Tribunal