24 February 2020

**DECISION**

**RACING VICTORIA**

**and**

**MR MARK ZAHRA**

**Date of hearing:** 20 February 2020

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

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

 Mr Matthew Hyland appeared on behalf of Mr Zahra.

**Charge:** Australian Rule (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 charge:** Mark Zahra (Gytrash) pleaded guilty to a charge of careless riding under the provision of AR131(a). The careless riding being that passing the 150 metres, he permitted his mount to shift in when not clear of Redzel, taking that horse in off its course for several strides, and again approaching the winning post shifted in further resulting in Redzel being tightened for room when racing to the inside of Gytrash. Mark Zahra had his licence to ride in races suspended for a total of eight meetings to commence midnight 22 February, 2020 and to expire midnight 29 February, 2020. (3 metro, 5 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, good record and that Gytrash had a tendency to lay in.

**Plea:** Guilty

**DECISION**

Mr Mark Zahra, you have pleaded ‘guilty’ to a charge of careless riding. It is alleged that in Race 7 at Flemington on Saturday 15 February, being the Group 1 Lightning Stakes over 1000 metres, passing the 150 metre mark you permitted your mount, Gytrash, to shift in when not sufficiently clear of Redzel, ridden by Kerrin McEvoy, taking it off its course for several strides. In addition, approaching the finishing line you continued to shift in, resulting in Redzel being tightened for room when racing on your inside.

I have viewed the video several times. It is clear that your mount came from behind Redzel and drew alongside it, overtaking it at about the 150 metre mark and when under vigorous riding. At that point your horse certainly shifted in when not sufficiently clear of Redzel. Kerrin McEvoy was not forced to stop riding, but his horse was taken off its line and towards the running rail. There was not a great deal in that interference, but it did occur and perhaps should have been a warning. The more noticeable interference occurred just before the winning post when, under vigorous riding, Gytrash moved in again and clearly tightened Redzel for room. Mr Cram advises that Kerrin McEvoy and Mr Snowden, Redzel’s trainer, did view the patrol video before deciding not to lodge a protest. That is understandable, as the more noticeable interference occurred immediately before the winning post and your mount appeared to have Redzel’s measure.

The Stewards imposed a suspension of 8 meetings. They took into account your record, which is very good, the degree of carelessness and interference, which essentially is in the low range, the fact that this was a Group 1 race worth in excess of $750,000 and your guilty plea.

Mr Hyland, on your behalf, pointed out your excellent record in this and other jurisdictions, your last suspension for careless riding being in Sydney in April 2019. He mentioned the number of jurisdictions in which you have ridden here and overseas. He also pointed out that, with the present penalty, you will be unable to ride in a Group 1 meeting next Saturday. He also referred to your guilty plea.

The earlier interference at the 150 metre mark was not great, but it was nevertheless careless. Perhaps more significantly, it should have put you on alert that your horse was tending to shift in under pressure and Kerrin McEvoy was to your inside. The second, and more noticeable interference, should not have occurred.

In my opinion, there is also force in Mr Cram’s submission in relation to this being a valuable Group 1 race. It is early in the autumn carnival. A message must be sent to jockeys, usually the cream of the top line jockeys, such as yourself, that interference will result in an appropriate penalty.

The bottom line is that I consider 8 meetings to be an appropriate penalty. I am very conscious of your excellent record and the fact that you will be missing another Group 1 day, but 8 meetings seems to me to be the penalty which is fair and reasonable in the circumstances. The appeal is dismissed.

Mark Howard
Registrar, Victorian Racing Tribunal