22 August 2023

**DECISION**

**RACING VICTORIA**

**and**

**DAMIAN LANE**

**Date of hearing:** 18 August 2023

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

**Appearances:** Mr Corie Waller appeared on behalf of the Stewards.

Mr Damian Lane represented himself.

**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 charge:** Damian Lane (Pontificate) pleaded guilty to a charge of careless riding under the provisions of AR131(a), in that near the 1000m he permitted his mount to shift in when insufficiently clear of La Marita, which was restrained to avoid the heels of Pontificate. Damian Lane had his licence to ride in races suspended for a total of seven race meetings (2 metropolitan, 5 provincial), with the period to commence on Sunday 20 August, 2023 and expire on Saturday 26 August, 2023. Accordingly, Damian Lane will be able to return to ride on Sunday 27 August, 2023. In assessing penalty, account was taken of his guilty plea, excellent record (last careless riding suspension January 2022) and that the carelessness was in the low range.

**Plea:** Guilty

**DECISION**

Mr Damian Lane, you are appealing against the severity of the penalty for careless riding imposed on you by the Stewards following your ride on Pontificate in Race 4 over 1,500 metres at Sandown on 16 August 2023. The other horse involved was La Marita, ridden by Mr Jason Maskiell.

Interference to Mr Maskiell’s mount is alleged to have occurred at approximately the 1,000 metre mark. You had drawn the outside of the eight runners, with Mr Maskiell to your immediate inside. The Stewards found that you moved in when not sufficiently clear of Mr Maskiell, causing him to have to check his mount. Whilst you have pleaded guilty to the offence, in that you crossed when not sufficiently clear of him, you do not accept that there was any significant impact upon his mount.

The penalty imposed by the Stewards was one of suspension for seven meetings. It was accepted that you had an excellent record, with no suspension since January 2022.

I have viewed the video material several times. The head on vision is of little assistance, but does indicate that you looked three times before moving in from a four wide position, this occurring at about the 1,000 metre mark. The side on vision does show that Mr Maskiell took hold of his mount for a couple of strides and that you were not more than about a length clear of him when this happened. I accept that Mr Maskiell may well have been looking for a trail behind you, but it does appear to me that he was forced to take hold of his mount.

The Stewards put this interference and carelessness in the low range and I agree. There is no argument concerning your excellent record, although there have been some severe reprimands. I also accept that you are a highly accomplished jockey who has ridden internationally with success in recent times.

However, I also find that you crossed Mr Maskiell’s mount when not sufficiently clear of him. I am of the opinion that he did have to take hold of his mount for a couple of strides.

The Stewards aim to be consistent with the penalties imposed so that jockeys know what to expect and are treated fairly. This Tribunal aims to do the same, although we are in no way bound by the categories of offences and suspensions used by the Stewards.

In all the circumstances, I am of the opinion that the penalty imposed by the Stewards of suspension for seven meetings was a fair and reasonable penalty and consistent with penalties imposed in like cases. Obviously, your exceptional record and the level of interference was taken into account by the Stewards and has been taken into account by me.

I repeat that I appreciate your excellent record and high level of skill and success, but it is my conclusion that the appeal should be dismissed, and that the penalty of suspension for seven meetings is a fair and reasonable one in all the circumstances.

Mark Howard

Registrar, Victorian Racing Tribunal