18 October 2023

**DECISION**

**RACING VICTORIA**

**and**

**JORDAN CHILDS**

**Date of hearing:** 17 October 2023

**Panel:** Judge John Bowman (Chairperson) and Mr Des Gleeson.

**Appearances:** Mr Jason Schultz appeared on behalf of the Stewards.

Mr Matthew Hyland represented Mr Jordan Childs.

**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:** Jordan Childs (Le Reach) Found guilty of a charge of careless riding under the provisions of AR131(a), the carelessness being near the 800m he permitted his mount to shift in when not sufficiently clear of River Noire resulting in that mare being steadied to avoid the heels of Le Reach. Jordan Childs had his licence to ride in races suspended for a total of 9 race meetings (1 metropolitan, 8 provincial), with the period to commence on 19 October 2023 and expire on 26 October 2023. Accordingly, Jordan Childs will be able to return to ride on 27 October 2023. In assessing penalty Stewards deemed the incident to be in the low range and took into account his record.

**Plea:** Not Guilty

**DECISION**

Mr Jordan Childs, you have pleaded not guilty to a charge of careless riding. It arises out of your ride on “Le Reach” in Race 9 at Kyneton on 12 October 2023, such race being over 1210 metres.

The other horse involved was “River Noire”, ridden by Ms Emily Pozman. The incident in question occurred at about the 800 metre mark and close to the bend at that mark.

We have viewed the video material many times. We also take into account the submissions of Mr Jason Schultz, on behalf of the Stewards, and Mr Matthew Hyland, on your behalf.

The key question is whether, approaching the 800 metre mark, you shifted in from a position of one off the rails and ahead of Ms Pozman, who was on the rails and had been leading. In other words, the key question is whether you were sufficiently clear of Ms Pozman when you moved towards the rails from a position one out and as you shifted in to go to the front. As stated, Ms Pozman had been leading.

It seems clear to us that, when you crossed Mr Pozman you were no more than a length and a quarter clear of her when you crossed her. The side on vision makes this apparent. It is also apparent that she checked her horse very briefly and then switched to the outside of your horse. We accept that this may well have been a position to which she wanted to move – one off the rails and outside the leader.

However, the bottom line is that you crossed Ms Pozman when only about a length and a quarter, and certainly less than two lengths, clear of her. In our view, this constitutes careless riding, even if the magnitude of the interference was not great.

In short, we find that the charge of careless riding has been made out. We shall hear the parties on the question of penalty.

**PENALTY**

Mr Childs, our finding on penalty is as follows. We regard the level of interference as being low. We also take into account your very good record. We cannot give you a penalty reduced to the extent that might have been the case were this a plea of guilty. However, to contest the charge was your entitlement and it was certainly not a frivolous appeal. In all the circumstances, we are prepared to reduce the penalty to one of eight meetings.

Thus, the appeal against penalty is upheld and the penalty reduced to one of eight meetings accordingly.

Kathleen Scully

Assistant Registrar, Victorian Racing Tribunal