26 October 2023

**DECISION**

**RACING VICTORIA**

**and**

**JACK HILL**

**Date of hearing:** 26 October 2023

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

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

Mr Jack Hill 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:** Rider Jack Hill (Detnaw) was found guilty of a charge of careless riding under the provisions of AR131(a), in that near the 50 metres, he permitted his mount to shift in when insufficiently clear of Come Along Jeffrey, which was checked and lost its rightful running. Jack Hill had his licence to ride in races suspended for a total of 12 race meetings (4 metropolitan, 8 provincial), with the period to commence at the expiration of the current suspension incurred at Swan Hill (16/10/23) on Wednesday 1 November 2023 and expire on Friday 10 November 2023.  Accordingly, Jack Hill will be able to return to ride on Saturday 11 November 2023. In assessing penalty, account was taken of his good record and that the incident was in the mid-range.

**Plea:** Guilty

**DECISION**

Mr Jack Hill, you are appealing against the penalty handed down by the Stewards following your ride on Detnaw in Race 6 at Horsham on 22 October 2023, Detnaw finished third in the event. The Stewards found you guilty of careless riding and imposed a 12 meeting suspension.

The alleged carelessness occurred at approximately the 50 metre mark when you crossed Mr Dean Yendall, riding Come Along Geoffrey when not sufficiently clear of it. You were one horse off the rails and Mr Yendall was on the rails. There is some reference to Captain Britain ridden by Mr Fred Kersley which was to your outside, the role played by it seems to be comparatively minor. All that can be said is that his presence may have prevented him from switching further away from the rails for a run.

There is no doubt that you crossed Mr Yendall and only about a length clear of him. It was also apparent that Mr Yendall had to check his horse. However, clearly it was already tiring and losing ground at the time. That does not excuse your crossing so sharply, that is a factor to be considered.

Before the Stewards you reserved your plea and it was also apparent that your interview with the Stewards became somewhat heated and your behaviour to them was not satisfactory. It was something which you regret and which you have apologised in writing.

In this appeal you have pleaded guilty to the charge. As stated, the penalty imposed on you is a suspension for 12 meetings with the carelessness considered to be in the mid-range. Of course that penalty was on the basis that you were not pleading guilty to the charge as you now are.

I would make the following observations. The Stewards have referred to your record as a good one. You claim to have 3 suspensions in some 1,721 rides, that proposition was not challenged. The level of interference is arguably in the mid-range, a proposition put forward by Mr Corie Waller. Whilst this Tribunal is not bound by the suggested ranges of carelessness and penalties, it can be a guide.

It seems to me that the level of interference was visible, it was not a striking magnitude, Mr Yendall had to check his mount but it was tiring and losing ground in any event. That does not excuse your carelessness but is a factor to be considered.

At the time of the penalty of 12 meetings being imposed you were not pleading guilty to the charge. You are now pleading guilty to the charge and have apologised in writing for your behaviour during the Stewards hearing. It seems to me that some allowance can be made for that plea and the indication of pleading guilty in your letter.

In all of these circumstances taken into account, it seems to me that the appeal should be allowed and the penalty imposed on you is varied to one of 9 meetings and I shall leave the commencement of that penalty to you and the Stewards.

Mark Howard

Registrar, Victorian Racing Tribunal