29 November 2024

**DECISION**

**RACING VICTORIA**

**and**

**JACK HILL**

**Date of hearing:** 20 November 2024

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

**Appearances:** Mr Scott Quill appeared on behalf of the Stewards.

Mr Jack Hill represented himself.

**Charge:** Australian Rule of Racing (“AR”) 115(1)(a) states:

 (1) A jockey or apprentice jockey must not:

(a) engage in misconduct

**Particulars of charge:** Rider Mr Jack Hill (Gen Zed) pleaded guilty to a charge under the provision of AR115(1)(a) for misconduct. The misconduct being after Gen Zed had been loaded into the barriers Mr Hill struck the gelding with an open hand to the side of the head on two occasions. Mr Hill was fined $1,500.

**Plea:** Guilty

**DECISION**

Mr Jack Hill, you are appealing in relation to a financial penalty of $1,500 imposed on you by Stewards in relation to a breach of Australian Racing Rule 115(1)(a), which prohibits misconduct.

This arises out of an incident when you were the jockey on Gen Zed, which was engaged in Race 3 at Hamilton on 12 October 2024.

You have pleaded guilty to the Charge. The issue before us is the quantum of the penalty imposed, which, as stated was $1,500.

The essence of the Charge is that you are alleged to have struck Gen Zed twice with the open hand on the side of the head after it had been loaded into the barriers. It had drawn what was effectively barrier 2, although the gate was number 4, the inner two gates not being used.

We have viewed the video of what occurred several times.

What is alleged can be seen, although it seems to us that the second striking was almost in the nature of a push. The first striking is clear.

In any event, you have pleaded guilty to the offence and have done so from the outset. In so pleading, you focused largely on the first strike of the incident. We consider that both alleged striking’s did occur, but, as stated, the second was not far removed from a push.

You also put before us the proposition that there were fewer barrier attendants than is the norm, perhaps because of the Spring Carnival in Melbourne. In any event, your statement was that there were fewer attendants than normal. This was not challenged.

You also put forward that this was the horses’ first start, although it had been troublesome in track work.

When it was playing up, you had some fears that you and those around you could have been hurt if the horse flipped over.

Your record is good. You do have a prior relevant offence, but this occurred in excess of thirteen years ago. You were also spoken to by Stewards in relation to a similar matter on 17 December 2023, but no Charge was laid. As stated, you have a good record, but not entirely unblemished record.

Offences such as this have the capacity to damage the image of the industry. Animal welfare must be at the forefront of thinking when a situation such as this arises.

We also accept that potentially you and possibly those around you were in a dangerous situation, and that the second of the two blows was comparatively minor, although, of course, it should not have occurred at all.

The shortage of barrier attendants may not have helped.

Weighing all these matters up, and bearing in mind the penalties in like cases, such as that of Mr Dean Holland, who was fined $1,000, we are of the view that the appropriate penalty is a fine of $1,250.

Thus, the appeal is upheld and the penalty varied to a fine of $1,250.

Mark Howard

Registrar, Victorian Racing Tribunal