

RACING APPEALS TRIBUNAL

RAT 15/10

DATE: THURSDAY 17 MARCH 2011

TRIBUNAL: PRESIDENT: MR C R LEE

ASSESSOR: MR G PRETTY

MR J.PETZER, FOR CHAIRMAN OF STEWARDS,
THOROUGHBRED RACING SA LTD

APPELLANT: MS L HOPWOOD
MR JOLLY APPEARS FOR APPELLANT (BY LEAVE)

IN THE MATTER of an Appeal by **LIBBETT HOPWOOD** against a decision of Thoroughbred Racing SA Ltd Stewards.

BREACH OF RULE: ARR 137(a)

Rule 137 Any rider may be penalised if, in the opinion of the Stewards,:

- (a) *He is guilty of careless, reckless, improper, incompetent or foul riding.*

PENALTY: *SUSPENDED FOR 4 MEETINGS*

DETERMINATION

This appeal concerns an incident in Race 7 at Allan Scott Park at Morphettville on Friday 17 December 2010. The race was 1200 metres in length and the incident occurred at about the 200 metre mark.

After taking the evidence of the Appellant and two other riders and viewing the DVD vision, the Stewards charged the Appellant with careless riding in breach of Rule 137(a) of the Australian Rules of Racing.

The charge was in these terms:

'You, Libby Hopwood, as the rider of MR GOOD CAT, in Race 7 at Morphetville on Friday, 17 December 2010 have in the vicinity of the 200 metres shifted out under riding when insufficiently clear of FANTHEN, ridden by Adrian Patterson, taking that gelding's running, forcing FANTHEN out on to GO CONAKI, ridden by Wayne Kerford, which was forced to shift out to avoid FANTHEN'S heels.'

The Appellant pleaded not guilty to the charge, but the Stewards found the charge proved and suspended her licence to ride for four meetings.

The Appellant's appeal is against both the conviction and the penalty.

Dealing with the circumstances of the incident, the DVD vision from three angles, namely side on, rear on and head on, shows that after the field entered the home straight the Appellant's horse was racing on the inside of the line of both Scott Westover's horse HENRYFIELD and Adrian Patterson's horse FANTHEN. At that point the Appellant's horse was behind HENRYFIELD and in front of FANTHEN. Wayne Kerford's horse GO CONAKI was further to the outside. Then, and quite abruptly, the Appellant's horse shifted out between HENRYFIELD and FANTHEN. The sideways movement was about two horses over about four strides. As a consequence of the Appellant's shifting out manoeuvre, both FANTHEN and GO CONAKI appeared to be crowded for room.

To this point I have merely summarized what emerges from a viewing of the DVD vision several times and I do not understand that there is any dispute on either side about what I have just said.

The Stewards took the position that the level of carelessness was high and the degree of consequences was low, and that the manoeuvre was a consequence of conscious riding on the Appellant's part.

For her part, the Appellant, supported by Mr Jolly who represented her, contended that she was to a substantial extent a victim of circumstances in that in the end she was left with no option when an inside run was closed off to shift to the outside and in so doing her horse skipped the heels of Westover's horse.

As I have said I have viewed the vision several times, and I have now had the opportunity of consulting with my colleague.

As a result, I find myself in disagreement with the Appellant's contention that there was a skipping of heels in the manner asserted. I agree with the Stewards that there was a conscious shifting out with a high level of carelessness and a low level of consequences.

It follows that the appeal against conviction must be dismissed.

As for the appeal against penalty, the Stewards took the position that they should start with what appears to be the general tariff for mid level offences, namely five meetings, and that they should deduct one meeting for the Appellant's good record.

Again I find no reason to disagree with the reasoning of the Stewards. I have already said that I agree with them that the level of carelessness was high and the level of consequences was low. I agree that on a balancing of those two factors it is reasonable to start with five meetings, and to deduct one of those meetings for a good record.

So the appeal against penalty must also be dismissed.

There will be a direction that the refundable part of the bond be returned to the Appellant.

There will be a direction that the penalty of four meetings commence at midnight on 23-March-2011.