



Amy Herrmann, riding TULLY PLENTY, and the Appellant, riding ACE OR JOKA. Mr Santoro had viewed the race from the Steward's tower on the home turn and so gave evidence of his observations from that vantage point.

At the conclusion of the Inquiry the Stewards reached a decision to charge the Appellant with Careless Riding under Rule 137(a) of the Australian Racing Rules. Rule 137 states:

*'Any rider may be penalised if, in the opinion of the Stewards,*

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

Particulars of the charge were provided to the Appellant in the following terms:

*'The particulars of the charge being that you Ben Claridge, the rider of ACE OR JOKA, in Race 5 on Sunday, 16 March 2014 at Penola, have, in the vicinity of the 200 metres, allowed your mount to shift out under riding when insufficiently clear of TULLY PLENTY ridden by Amy Herrmann which was forced to check when tightened onto SEASON OF FORTUNE ridden by Caitlin Jones.'*

The Appellant reserved his plea, with the Stewards correctly interpreting that as a plea of not guilty.

After consideration and hearing a submission from the Appellant, the Stewards found the Appellant guilty of the charge. The Stewards provided reasons, namely that they did not accept that there was ever a run between CONIDEL, ridden by Dominic Tourneur, and TULLY PLENTY, ridden by Amy Herrmann, for the Appellant to attempt. The Stewards found that Amy Herrmann had no option but to take the action she took to check her mount. After consideration of the evidence and the Appellant's record, the Stewards determined to suspend the Appellant's licence to ride for four meetings.

At this appeal, assisted by Mr Williams, the Appellant pressed the submission that he had made at the Stewards' Inquiry, namely that the interference with Amy Herrmann's horse, TULLY PLENTY, was not severe, in that the horse over-reacted, and further that the interference was a result of the contribution by movement by other horses, namely SEASON OF FORTUNE, ridden by Caitlin Jones, on the outside, and CONIDEL, ridden by Dominic Tourneur, in the front.

Mr Santoro relied on the vision of the incident, and his own observations to rebut this, pointing to two aspects: firstly, that at the time the Appellant commenced his move outwards it was only half a horse clear of the front of Miss Herrmann's horse; and secondly, that at that point and until after the check on Miss Herrmann's horse, Mr Tourneur's horse CONIDEL, in front, had maintained its line. Mr Santoro did concede that CONIDEL rolled out but not until after the check to Miss Herrmann's horse.

I have had the opportunity of reviewing the vision of the race with the parties present, and also separately with the Assessor, Mr Pretty. I have had the benefit of the views of the Assessor, Mr Pretty, who brings great experience to this task.

Whilst the Appellant argued his case with earnestness and feeling, the view of this Tribunal is that the vision of the race, though not without shortcomings, does support Mr Santoro's two major submissions.

On that basis the Tribunal finds that the Appellant did commence his manoeuvre at a time at which there was insufficient clearance, resulting in him causing direct interference to Miss Herrmann's mount. That is sufficient to constitute 'Careless Riding' pursuant to Rule 137(a).

The appeal against conviction is dismissed.

The appeal against penalty is also dismissed.

I order that there be a refund of the applicable portion of the bond.

I order that the suspension of 4 meetings commence at midnight on Friday, 16 May 2014.