

RACING APPEALS TRIBUNAL

RAT 15/06

DATE: THURSDAY, 14 DECEMBER
2006

TRIBUNAL: **PRESIDENT:** MR C R LEE
ASSESSOR: MR G PRETTY
THOROUGHBRED RACING SA LTD: MR J PETZER,
 ACTING CHAIRMAN OF STEWARDS
APPELLANT: MR A P PATTERSON
APPEARING FOR APPELLANT: MR J O'CONNOR
 (By leave)

IN THE MATTER of an Appeal by **ADRIAN PAUL PATTERSON** against a decision of Thoroughbred Racing SA Ltd Stewards.

BREACH OF RULE: ARR 137 (a)

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

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

PENALTY: SUSPENDED FOR 5 MEETINGS

DETERMINATION

This appeal arises from the running of Race 6 at Cheltenham Park on 18 November 2006. Mr Patterson was subsequently charged by the Stewards in these terms:

"The terms of the charge levelled against you Adrian is that whilst riding EMPEROR'S SECRET in Race 6 at Cheltenham today, Saturday, 18th November 2006, you allowed your mount to shift in, in the vicinity of the 500 metres when insufficiently clear of K Stra, the rider of RICH AROMA, resulting in Kayla Stra's mount being tightened onto Peter Roff's mount, SPARKLING LION, and her having to check her mount, losing her position."

Australian Rule 137 (a) reads:

"Any rider may be punished if, in the opinion of the Stewards,

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

The Stewards made it clear to Mr Patterson that, in laying the charge, they were focussing on the word "careless" in the Rule.

Before and after the laying of the charge, the Stewards heard the evidence of Mr Patterson and four other jockeys. The Stewards also viewed the film of the race, side on, head on and from the rear, several times. Then the Stewards announced their decision as follows:

"Taking into consideration the evidence advanced to this inquiry, on the observations of the Stewards and after viewing the official film, we, the Stewards of Thoroughbred Racing SA Ltd are quite satisfied that you as the rider of EMPEROR'S SECRET in Race 6 today at Cheltenham, the 18th November, are guilty of the charge levelled against you earlier. The reasons for us finding you guilty of that charge is that we don't believe that you were ever sufficiently clear of Kayla Stra's mount when you allowed your mount to shift in, we don't believe that at the critical point where Kayla Stra is tightened and where she starts, where she commences to receive pressure and takes hold that there is any pressure from the inside from Peter Roff or Paul Gatt for that matter, we believe that she then checks her mount and loses her position and rightful running due solely to the shift of your mount".

The penalty imposed was suspension of Mr Patterson's licence to ride for a period of 5 meetings.

The event which gave rise to the charge and the finding of guilt can be briefly described. Mr Patterson on EMPEROR'S SECRET was travelling wide coming to the 500 metre mark before the turn into the straight. Behind Mr Patterson were Kayla Stra on RICH AROMA, Peter Roff on SPARKLING LION, and Paul Gatt on TRAMUNTANA. Mr Patterson's mount was under pressure and tiring. The three horses behind him were improving and particularly was that so in the case of the eventual winner, TRAMUNTANA.

During the taking of evidence at the hearing, the Stewards took the position that Mr Patterson had allowed EMPEROR'S SECRET to roll or shift in between half to one horse when insufficiently clear of RICH AROMA causing Kayla Stra to check that horse and lose ground.

Mr Patterson took the position that the three horses making runs were squeezed for room, that there was movement out from Paul Gatt on TRAMUNTANA, that Gatt's movement out was a contributing factor, and that he did not take the full running of Kayla Stra. So, in effect, Mr Patterson was saying that he was a victim of circumstances over a very short distance and time, and that the rolling in of his horse was not the result of careless riding on his part.

Before me on the hearing of the appeal, the proposition was put on Mr Patterson's behalf that the factor which contributed to the interference was not so much Paul Gatt moving out to go round Tamara Zanker's horse BIDDYUP, but rather the rolling out of Peter Roff on SPARKLING LION. It is instructive to go back to the evidence that Mr Roff gave to the Stewards. I quote the following passages from the transcript:

*".....I got pressure from my outside and I sort of just had to try and hold my line to sort of help Paul Gatt out a bit sir."
(To the question "Why are you turning the head of the horse out?")
"Because my hindquarters and that was getting pushed in by Kayla's horse sir and I was just trying to hold my position, which I felt, I was getting pushed in quite"*

Having carefully considered the submissions on both sides, having viewed the films, and having consulted with my colleague, I have reached the conclusion that I should not interfere with the view that the Stewards took of Mr Patterson's conduct. It is true that the events occurred in a relatively tightly bunched field coming to the turn and that Mr Patterson's mount was under pressure and tiring, but it is common ground that Mr Patterson's mount did shift in and I agree with the Stewards that it lay within his power to prevent that from occurring. His failure in that regard was sufficient in the circumstances to meet the description of the word "careless" in the Rule.

Before me, the Notice of Appeal was amended to include the complaint that, even in the event of my upholding the Stewards' decision, the penalty administered was too harsh. I content myself with the comment that I do not consider that the penalty was too harsh.

In the result, the appeal must be dismissed and the Steward's decision affirmed.

The suspension of Mr Patterson's licence to ride for 5 meetings is to commence from midnight on Sunday, 17 December 2006.

The bond will be refunded.