

**REASONS FOR DETERMINATION
OF THE RACING PENALTIES APPEAL TRIBUNAL**

APPELLANT: WILLIAM PIKE
APPLICATION NO: A30/08/753
PANEL: MR D MOSSENSON (CHAIRPERSON)
DATE OF HEARING: 31 JANUARY 2013
DATE OF DETERMINATION: 31 JANUARY 2013
DATE OF REASONS: 4 JULY 2013

IN THE MATTER OF an appeal by Mr William Pike against the determination of Racing and Wagering Western Australia Stewards of Thoroughbred Racing imposing a 30 day suspension for breach of Rule 137(a) of the Rules of Thoroughbred Racing

Mr M Millington appeared for Mr W Pike

Mr RJ Davies QC, appeared for the Racing and Wagering Western Australia Stewards of Thoroughbred Racing.

BACKGROUND

Mr William Pike was convicted of careless riding by allowing his mount to shift out and contact the hindquarters of another horse which was bumped, causing a third horse to blunder and fall, dislodging its jockey. As a consequence the Stewards reached the following conclusion as to the penalty:

“... the degree of carelessness is say at mid-level Mr Pike, you’ve allowed FULL REIGN to shift enough ground to cause contact in a very compact field. The degree of interference to the high end on the scale (sic), MIGHTY ROSSA fell Jockey Hall sustained considerable injuries, causing him to be unfit for riding for a substantial period of time. Your record is good overall, your last suspension being 27th October 2012. Weighing it all and looking at the particulars of this incident we believe a suspension to be appropriate and that would be one of thirty days ...”.

Mr Pike appealed against the decision on the basis that the Stewards, acting reasonably, could not have concluded that the careless riding conviction be classified as mid/high and that the appropriate penalty could not be 30 days suspension. There was no challenge as to conviction, but only to the penalty.

I was given the opportunity of viewing the race film and of hearing the arguments from both counsel. I dismissed the appeal and I now set out my brief reasons for having done so.


REASONS

The charge in respect of which Mr Pike was found guilty was with the consequences that flowed from a movement which occurred within a tight bunch of horses. The Stewards are obviously in the best position to judge the seriousness of riding offences and to determine the appropriate penalties in relation to the quality of rides. There was no dispute that the racing was tight. When a race is tight, the need for care is heightened if not critical. I was persuaded by senior counsel for the Stewards that extra care was needed in order to avoid any adverse consequences of shifting positions as there was simply no room for Mr Pike to move his horse.

The discretion under the Rules in relation to the penalty is a wide one. That discretion is placed in the hands of the Stewards who are experienced and highly qualified persons placed in the best position to make an evaluation.

I was not persuaded that any error as to the conclusion or classification of the carelessness had been demonstrated. I was also satisfied that the penalty was either appropriate or at least within the appropriate range in all of the circumstances. No error on the part of the Stewards was established.

Accordingly, I concluded that the appeal should be dismissed and I confirmed the penalty.

A handwritten signature in cursive script, appearing to read "Dan Mossenson".

DAN MOSSENSON, CHAIRPERSON