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## **APPEAL DECISION**

### **HUGH BOWMAN *and* RACING VICTORIA STEWARDS**

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**Date of Hearing:** 8 November 2017

**Heard By:** Judge Bowman (Chair)

**Appearances:** Terry Bailey appeared on behalf of the stewards.  
Matthew Stirling of Counsel appeared on behalf of Mr Bowman.

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At Flemington on Tuesday 7 November 2017, Hugh Bowman pleaded not guilty to a charge of careless riding on his mount *Warranty* in Race 6, the *Lexus Hybrid Plate* (1400m).

The stewards found Mr Bowman guilty of a charge of careless riding under the provisions of AR137(a), the carelessness being that inside the 300m he permitted his mount to shift out to a point where he made contact with *Torvill* resulting in *Torvill* being taken out and put onto the heels of *River Jewel* resulting in *Torvill* clipping heels and almost dislodging its rider.

Hugh Bowman had his licence to ride in races suspended for a period to commence at midnight on 9 November 2017 and to expire at midnight 11 November 2017, a total of eleven race meetings (two metropolitan, nine provincial). In assessing penalty Stewards took into account that the careless riding was in the mid-range.

A Notice of Appeal against **the conviction and the penalty** was lodged on Tuesday, 7 November 2017. A stay of proceedings was not requested.

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**DECISION:** Appeal against conviction dismissed.  
Appeal against severity of penalty dismissed.

**TRANSCRIPT OF  
PROCEEDINGS**

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**RACING APPEALS AND DISCIPLINARY BOARD**

**HIS HONOUR JUDGE J. BOWMAN, Chairman**

**EXTRACT OF PROCEEDINGS**

**DECISION**

**HUGH BOWMAN**

**and**

**RACING VICTORIA STEWARDS**

**RACING VICTORIA CENTRE, FLEMINGTON**

**WEDNESDAY, 8 NOVEMBER 2017**

MR M. STIRLING appeared on behalf of Mr H. Bowman

MR T. BAILEY appeared on behalf of the RVL Stewards

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CHAIRMAN: Mr Hugh Bowman, you have been charged with careless riding, in that in race 6 over 1400 metres at Flemington on 7 November 2017, near the 300-metre mark, you permitted your mount, Warranty, to shift out to a point where you made contact with Torvill, ridden by Jason Collett, resulting in it being taken out and put onto the heels of River Jewel, ridden by Damian Lane. It is alleged that this resulted in Torvill in fact clipping the heels of River Jewel and almost dislodging Jason Collett. Also possibly involved was Tarcoola Spirit, ridden by Ben Melham, which was to the inside of River Jewel and ahead of both Warranty and Torvill.

I have viewed the various videos. In particular I have seen the head-on and helicopter or overhead view several times. It was argued on your behalf by Mr Stirling and by yourself that Collett was in effect angling for a run between River Jewel and Tarcoola Spirit, which run was not there. It bumped the hindquarters of your horse which effectively ultimately caused the incident. In other words, you were entitled to be where you were and the responsibility for what occurred rests considerably with Jason Collett. Further, River Jewel was weakening and hanging in a little, whilst Tarcoola Spirit was marginally moving out.

Mr Bailey for the Stewards argued that you were effectively also after the run between River Jewel and Tarcoola Spirit, and you moved out from the rails but moved too far and effectively made contact with Torvill. Mr Bailey in essence described Collett as pitching for the run, which he was entitled to do, and you were also aiming for it but moved out too far and contacted Torvill.

I might add that the end result was that Torvill clipped the heels of River Jewel and came close to falling.

In my opinion, the incident was caused by you moving off your line when not sufficiently clear of Torvill. You were patently less than two lengths clear when you continued to move. I agree with Mr Bailey that the incident was caused by your moving too far. You angled for the run between Tarcoola Spirit and River Jewel when nowhere near sufficiently clear of Torvill. I do not accept that River Jewel and Tarcoola Spirit moved off their lines to any appreciable extent at the relevant time. Indeed, once it began effectively lining up for the run between them, Torvill did not move off its line. It was the movement of your horse off its line when not clear of Torvill that caused the incident. In short, the appeal against conviction is dismissed. The appeal against penalty is also dismissed.

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