

## APPEAL RESULT

---

**DISTRIBUTION:** Chief Executive  
Group Integrity Services  
Group Racing and Group Racing Development  
ARB, ATA, TVN, VJA  
Office of Racing  
T Moxon – National Drug Register  
Racing Press

**FROM:** Registrar – Racing Appeals and Disciplinary Board

**DATE:** 5 June 2014

**SUBJECT:** **APPEAL HEARING RESULT – JOCKEY: DALE SMITH**

---

**Panel** Judge Russell Lewis (Chair), Mr Stephen Curtain, Mr Ron Taylor.

**Appearances** Mr Smith appeared on his own behalf.  
Ms Heidi Lester appeared on behalf of the Stewards.

---

At Kilmore on Saturday 31 May 2014, jockey Dale Smith was found guilty of a charge of careless riding on his mount *Hopetoun Street* in Race 2 the *Mclvor Estate 3yo Fillies Maiden Plate* (1100m).

The careless riding being that near the 50 metres he permitted his mount to shift ground outwards when insufficiently clear of *Beau Dazzle* which contributed to that horse being tightened before being checked and losing its rightful position.

Mr Smith was suspended for a period to commence midnight on Tuesday, 3 June 2014 and to expire at midnight on Sunday, 8 June, 2014 - a total of 5 race meetings (2 city 3 country.)

In assessing penalty Stewards deemed the incident to be in the low range and took into account D Smith's good riding record and also the contribution to the incident from *Spiritina*.

A Notice of Appeal against **the decision and severity of the penalty** was lodged on Monday, 2 June 2014.

A stay of proceedings was granted effective until midnight Wednesday, 5 June 2014.

---

**DECISION:** **Appeal allowed.**

**Penalty varied so that the period of suspension expires at midnight on Saturday, 7 June 2014 (3 meetings, taking into account the stay of proceedings).**

**TRANSCRIPT OF  
PROCEEDINGS**

---

**RACING APPEALS AND DISCIPLINARY BOARD**

**HIS HONOUR JUDGE R.P.L. LEWIS, Chairman  
MR S. CURTAIN  
MR R. TAYLOR**

**EXTRACT OF PROCEEDINGS**

**DECISION**

**IN THE MATTER OF THE McIVOR ESTATE  
THREE YEAR OLD FILLIES MAIDEN PLATE  
OVER 1100 METRES AT KILMORE ON 31/5/14**

**JOCKEY: DALE SMITH**

**MELBOURNE**

**THURSDAY, 5 JUNE 2014**

MS H. LESTER appeared on behalf of the RVL Stewards

MR D. SMITH appeared on his own behalf

---

CHAIRMAN: The Board has considered the submissions of Ms Lester, who appears on behalf of the Stewards, and Mr Smith, and notwithstanding his vigorous submission that he was not guilty of careless riding, the Board disagrees and finds that on the basis of his admissions and on the basis of what the Board has seen on the film, we find that Mr Smith was guilty of careless riding.

The remaining question is the question of penalty. The Board is of the view that the carelessness was properly characterised as being in the low range but we think it was in the lowest registers of the low range and we think that that being the case, the question of contribution also comes into it, and the question of Dale Smith's good riding record. They are the preliminary reasons we might say, at this stage, that we are minded to reduce the penalty.

The Board is satisfied that Mr Smith was careless on this occasion. The Board is further satisfied that the degree of carelessness was in the lower registers of the low range. The Board is satisfied that there was significant contribution from Jack Hill's mount which contributed to the careless riding and the Board is satisfied that Mr Smith has a good record. That being the case, the Board is prepared to vary the penalty to reflect those considerations and is of the view that a penalty of three meetings is the appropriate penalty. Mr Smith received a stay of proceedings to ride at Sandown yesterday, so the three-day period will expire on Saturday midnight, which means he will be eligible to ride on Sunday, 8 June 2014.

---