

RACING APPEALS TRIBUNAL

RAT 3/2020

DATE OF HEARING: MONDAY 16 MARCH 2020

TRIBUNAL: **PRESIDENT:** MR T ANDERSON, QC

ASSESSOR: MR G PRETTY

IN ATTENDANCE: **MR M SANTORO:** DEPUTY CHAIR, STEWARDS,
THOROUGHBRED RACING SA LTD

APPELLANT: MR J CHAU

APPELLANT REPRESENTATIVE: MR A GLUYAS

IN THE MATTER of an Appeal by **MR JERRY CHAU** against a decision of Thoroughbred Racing SA Ltd Stewards.

BREACH OF RULE: AR 131(a)

A rider must not, in the opinion of the Stewards:

(a) engage in careless, reckless, improper, incompetent or foul riding;

PENALTY: SUSPENSION OF LICENCE TO RIDE FOR 3 RACE DAYS

DETERMINATION

Mr Jerry Chau is an apprentice jockey who was suspended by the Stewards for three meetings for careless riding in race 4 at Port Lincoln on 23 February 2020.

The incident for which he was suspended was near the 100-metre mark from the finish line.

Approaching that mark, there were three horses which are involved in this incident.

Fearless AI, ridden by Mr Chau, Leonarda, ridden by Mr Neindorf, and Onward ridden by Mr Sweeney.

The Stewards charged Mr Chau with careless riding pursuant to AR 131(a). The particulars provided by the Stewards in relation to this charge are as follows:- *“In race 4 today at Port Lincoln on 23 February 2020, in the vicinity of the 100 metres, you, Mr Chau, have allowed your horse to shift in when insufficiently clear of Lachy Neindorf, who was riding Leonardo, who as a result was taken in onto Brandan Sweeney, who was riding on the fence, riding the horse Onward, and as a result Brendan Sweeney had to steady and lose his position.”*

The Tribunal viewed the film of the incident taken from several different angles. The film was viewed several times and slowed down in the appropriate places.

In my view, the film clearly illustrates careless riding by Mr Chau.

On rounding the turn, he was about four wide and then continued to move, slightly at first and then more noticeably, inwards towards the running rail.

Shortly after rounding the turn and straightening up for the run to winning post, Mr Neindorf had moved his horse up to take advantage of a run which appeared to the inside of Mr Chau.

Mr Chau continued riding his horse when it was obvious or should have been obvious that he was cramping Mr Neindorf for room.

As a result, Mr Neindorf was forced onto Mr Sweeney's horse and he had to steady that horse, which is quite noticeable on the vision.

Mr Andrew Gluyas represented the appellant, Mr Chau.

He maintained that Mr Neindorf was 'riding for luck' and that he forced a passage to the inside of Mr Chau where there wasn't one.

The Stewards took the view that although Mr Sweeney's horse was tiring, he was still impacted by the actions of Mr Chau and had to, as I have indicated, steady his mount.

In simple terms, the Stewards took the view that Mr Sweeney simply ran out of room as a result of Mr Chau forcing Mr Neindorf onto Mr Sweeney's mount.

The Stewards' finding was as follows:- *“Taking into consideration the evidence, events of this inquiry and the observation of Stewards and after viewing the official video film, the Stewards believe that, Mr Chau, you are guilty of the charge. The brief reasons are that we don't ever believe it was sufficiently clear to shift inwards into Lachy Neindorf at any particular stage and, as a result, Brendan Sweeney, who was to the inside of Lachy Neindorf, has had to steady and lose his position. We understand this may assist you in relation to a penalty that Mr Neindorf's run was tight, but we believe that there was sufficient room for Mr Neindorf to go up to that, and if you've gone in a straight line, we don't believe that there was - there would have been any interference suffered.”*

The Tribunal agrees with the Stewards' interpretation of the film evidence, and that is confirmed by looking at the different angles from which the film was taken.

In imposing penalty, the Stewards reasoned as follows:- *“The Stewards have taken into account in relation to penalty what you put forward to us in relation and Mr Dunn (who spoke on behalf of Mr Chau at the Stewards hearing) has put forward to us in relation if you don't believe there was enough room for Lachy Neindorf to go in there and maybe your shift hasn't really affected Lachy Neindorf. Lachy Neindorf's mount has shifted away from you. But on this occasion, the Stewards believe that a suspension of your licence should be warranted.”*

The Stewards went on to say that they believe that the carelessness was probably mid to low range and the consequences are probably the same, mid to low.

As a result, the Stewards suspended Mr Chau from riding for three race days.

Unfortunately for Mr Chau, he has been suspended three times recently prior to this incident. It was pointed out by Mr Gluyas that he averages about 60 rides a month, so it is clear that he is a busy and a popular jockey. However, the incidents for which he has previously been suspended took place on 21 August 2019 at Port Augusta when he shifted out at the 200-metre mark, on 23 October 2019 at Strathalbyn inside the 400 he

shifted out, and on 16 January 2020 at Penola at the 150 metres he shifted out.

It is clear that although he shifted in on this occasion, his offending occurs when under pressure towards the finish of a race. It is apparent that he needs some further technical work to avoid his horses shifting at that vital stage of the race.

I have been assisted in my viewing of the film by a very experienced former jockey, Mr Glynn Pretty, and he has also made some suggestions to Mr Chau in relation to how he can possibly avoid these suspensions by better control of his horse's head.

Therefore, in summary, I find that the Stewards were correct in finding that this was careless riding.

I also find that they were correct in not penalising with a reprimand.

This apprentice jockey has a bad record with now some four convictions in a space of six months or so. On the basis of that previous record, the Stewards could have given him a larger penalty than the three meetings he received.

I therefore dismiss the appeal.

At the conclusion of the hearing I was advised by the Stewards that Mr Chau had recently been suspended in Victoria.

The suspension imposed by this Tribunal will take effect at the conclusion of the Victorian suspension.

This means that he will miss the following meetings in South Australia: Saturday, 4 April at Morphettville, Sunday, 5 April at Oakbank, and Wednesday, 8 April at Oakbank.

The applicable portion of the bond paid with the lodging of the appeal will be refunded.