

RACING NEW SOUTH WALES

APPEAL PANEL

Friday, 5 August 2016

MR R BEASLEY SC — PRINCIPAL MEMBER
MR T CARLTON
MR K LANGBY

IN THE MATTER OF THE APPEAL OF
HUGH BOWMAN

REASONS FOR DECISION

PRINCIPAL MEMBER:

1. Following race 5 (the Hyland Colours Handicap over 1250 metres), held at Canterbury Park Racecourse on Wednesday, 27 July 2016, the Racing New South Wales Stewards conducted an inquiry into the ride of jockey Hugh Bowman, who rode Ziggy Willie in that race. Ziggy Willie was a 6 to 1 chance and finished in second place.

2. After taking evidence from Mr Bowman and jockey Kerrin McEvoy, who rode Raijinz in the race and having examined the film, the Stewards charged Mr Bowman with careless riding under AR 137(a). That rule is in the following terms:

Any rider may be penalised if, in the opinion of the Stewards,

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

3. The particulars of the charge alleged against Mr Bowman were:

“The careless riding being that over about the last 50 metres you failed to make sufficient effort to prevent your mount Ziggy Willie from shifting out when not clear of Kerrin McEvoy’s mount Raijinz, resulting in that horse having to be steadied and losing the running to which it was rightfully entitled.”

4. Having had the charge read to him, Mr Bowman said that he understood the charge and pleaded guilty to it.
5. After taking into account Mr Bowman’s riding record and his early guilty plea, the penalty of a five meeting suspension was imposed, due to commence on 4 August and to expire on Friday, 12 August.
6. Mr Bowman lodged an appeal and a stay was granted on his penalty.
7. At the appeal hearing this morning Mr Bowman confirmed that his appeal related to penalty and not to guilt.
8. The film of the race (exhibit C on this appeal) was shown to the Panel on multiple occasions. Mr Dingwall, the Deputy Chairman of Stewards, who appeared for Racing NSW today, made submissions about the film and the ride, as did Mr Bowman.
9. Mr Bowman’s submission was that the penalty that should be imposed on him should be a reprimand and not a suspension. His reasons for this were as follows:
 - (1) Once his mount Ziggy Willie started to shift out and encroach on Mr McEvoy’s mount, he immediately stopped riding with the whip and took corrective measures to straighten his mount.
 - (2) At worst he hampered Mr McEvoy’s mount and did not cause that horse to be checked. Accordingly, looking at exhibit A1 (the careless riding penalty schedule), he should be reprimanded and not suspended.

10. Mr Dingwall submitted that Mr McEvoy's horse was more than hampered. He drew the Panel's attention to Mr McEvoy's evidence that he had to steady his horse as a result of Ziggy Willie. He submitted that Ziggy Willie took the rightful running of Raijinz. While accepting that Mr Bowman reacted quickly to his mount shifting out, Mr Dingwall also submitted that, by riding so close to Raijinz's running inside the 100 metres, Mr Bowman had left no room for error.
11. The Panel understands that riding a racehorse is difficult and dangerous and requires a great deal of skill. We accept that, once his mount shifted in, Mr Bowman did corrective measures. We accept also, however, that he left little margin for error riding close to Raijinz's running and that he clearly at least took that horse's running, even though that horse was tiring. Mr Bowman's ride was admittedly careless, although the Panel accepts it was of a low grade of carelessness.
12. In the circumstances, although it is a close run thing, the Panel accepts the Stewards' assessment of the race and the Stewards' assessment of the consequences of the ride, being that Raijinz was either checked or lost its rightful running. Accordingly, the Panel sees no reason to depart from the assessment of penalty of the Stewards and we agree with it.
13. The orders we make are the following:
 - (1) The appeal is dismissed.
 - (2) The penalty of a suspension of five race meetings is confirmed, those meetings being Gosford on 11 August, Rosehill on Saturday, 13 August, Newcastle on Tuesday, 16 August, Canterbury Park on Wednesday, 17 August and including Hawkesbury on Thursday, 18 August.
 - (3) The appeal deposit is forfeited.
