

RACING NEW SOUTH WALES APPEAL PANEL

IN THE MATTER OF THE APPEAL OF GLYN SCHOFIELD

Appeal Panel: **Mr R Beasley SC – Principal Member**
Mr K Langby
Mrs J Foley

Appearances: **Racing NSW: Mr M Van Gestel, Chairman of Stewards**

Appellant: Mr Glyn Schofield – licensed jockey

Date of Hearing: **16 March 2018**

Date of Reasons: **Oral: 16 March 2018; Written 9 April 2018**

Outcome: **Appeal against finding of breach and penalty dismissed**

REASONS FOR DECISION

1. This Appeal is by licensed Jockey Glyn Schofield, against the finding that he engaged in careless riding in breach of AR137(a) of The Australian Rules of Racing. The charge and the finding of breach resulted from the appellant's ride on the horse *Kementari* in the Group 1 Mostyn Cooper Randwick Guineas run at Randwick over 1600m on Saturday 10 March 2018. *Kementari* started favourite and won the race.
2. The particulars are as follows:

“...The particulars are that we specify careless riding being at the Australian Turf Club meeting at Randwick on 10 March 2018 in Race 7, Randwick Guineas as the rider of *Kementari* near the 1300m you did permit that colt to shift in when insufficiently clear of *Capital Gain*, resulting in *Capital Gain* having to be checked and losing running when crowded between *Pierata* and *Kementari*.”

3. At the appeal hearing, the Stewards were represented by the Chairman of Stewards, Mr Marc Van Gestel. Mr Schofield represented himself.
4. Mr Van Gestel called evidence from Senior Stipendiary Steward Mr Ray Livingstone, who described his impression of the incident that led to the charge and finding of breach of the rule. Mr Van Gestel otherwise relied on the transcript from the Stewards Inquiry (part of Exhibit A), and the film of the race (Exhibit B).
5. The appellant also gave evidence, which largely consisted of his analysis of the film.
6. The Appellant represented himself in a thoroughly professional manner. A summarised view of his position is that in his opinion he did not cross *Capital Gain*. His submission was that he simultaneously attempted to take up a run in a spot, while jockey Adam Hyeronimus on *Capital Gain* was trying to take up the same position, albeit on a slower horse. The Appellant says he got there first. There was no carelessness involved in his submission in the incident that caused *Capital Gain* to be checked – the incident was purely caused by unlucky circumstances, and in particular *Capital Gain* seeking the same spot in running to his own mount. He also suggested *Capital Gain* was shifting out slightly into his horse.
7. Mr Van Gestel took a different view of the incident. In his submission, central to a proper analysis of the incident was that Adam Hyeronimus clearly had rightful running on *Capital Gain* behind *Ace High*, when Mr Schofield on *Kementari* crossed into him causing *Capital Gain* to be checked and lose its rightful running.
8. In our view, the film of the race unambiguously supports the position of the Stewards. Shortly prior to the incident we consider *Capital Gain* did have rightful running behind *Ace High*, and was not shifting out. *Kementari* shifted in on that horse and caused the check, and for *Capital Gain* to lose its rightful running. We consider that action by Mr Schofield to be careless. It is not the worst kind of

carelessness, but we are comfortably satisfied that it is of medium grade, which is also how the Stewards graded the carelessness.

9. As to penalty, the Appellant tendered a list of up coming rides (Exhibit 3) which indicated that the suspension could have very severe consequences for him. The Panel is conscious of that, and it is unfortunate. However, a 15 percent mitigation applies under the Penalty Guidelines for important meetings coming up, which we adopt. Application of the guidelines though also results in a 25 percent premium being applied for the fact that the breach of the rule occurred in a Group 1 feature race. This is a consistent approach of the Stewards, and one which the Panel sees no reason to depart from in this appeal. The panel considers that such an approach to penalty generally has merit - it is important to the integrity of racing, that races that are followed most closely by members of the public (such as a Group 1 race) are run in a manner free of incident as far as that possible.
10. In conclusion we are comfortably satisfied the carelessness here is medium grade, and we see no scope in the guidelines for any penalty be imposed other than that imposed by the Stewards.

The Panels orders are:

1. Appeal against finding of breach under AR137(a) dismissed.
2. Finding of breach under AR137(a) confirmed.
3. Appeal against severity of penalty dismissed.
4. Penalty of 8-meeting suspension confirmed. Such penalty to commence on 18 March 2018 and to expire on 3 April 2018, on which day the appellant may ride.
5. Appeal deposit forfeited.