

RACING NEW SOUTH WALES APPEAL PANEL

IN THE MATTER OF THE APPEAL OF JOCKEY JEAN VAN OVERMEIRE

Appeal Panel: **Mr R Beasley SC – Principal Member**
Mr C Tuck
Mr J Nicholson

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

Date of Hearing: **26 October 2018**

Date of Reasons **26 October 2018**

REASONS FOR DECISION

Introduction

1. The Appellant, apprentice jockey Jean Van Overmeire, rode Top Striker in The Club NSW Handicap 1200m at Royal Randwick Racecourse on Saturday 20 October 2018. His horse ran second in the race, beaten a nose. The horse was to be ridden at 54 kilograms in the race. The Appellant weighed out at 54.2 kilograms, but weighed in after the race at 55 kilograms. This was in breach of AR145, which is in the following terms:

“AR145: If a horse carries more than a half kilogram in any race over the weight imposed or declared, the rider and any other person at fault may be penalised.”

2. At the Stewards' Inquiry after the race, not a great deal of light was thrown on why Mr Van Overmeire weighed in overweight. He had a coffee prior to the race. He also changed his boots between weighing out and riding. In any event, for whatever reason, Mr Van Overmeire breached the rule. He pleaded guilty, and received a two-week suspension. He appeals against the severity of that penalty.

3. Mr Van Overmeire has a clean record as a jockey. He clearly is a capable rider, and represented himself professionally and articulately before the Panel today. His argument is that the two-week suspension imposed on him is too severe when compared to previous penalties imposed by Stewards, and the Panel, for similar breaches of the rule. Mr Van Gestel Chairman of Stewards, disagrees. He submitted to the Panel that the breach here was serious because:
 - (a) a Saturday metropolitan race meeting was involved;

 - (b) it was a very narrow margin between Mr Van Overmeire's horse and the winner; and

 - (c) the difference between 2nd and 1st in the race was worth \$35,000 to the connections of Mr Van Overmeire's horse.

4. Both Mr Van Gestel and Mr Van Overmeire referred to the Panel's decision in *The Appeal of Brown* 16 March 2018. They contain almost identical facts. Mr Brown's horse ran second, beaten a short half head. This cost connections of his horse \$56,000 in a Group 3 race. He was given a 10-day suspension by the Stewards, which, on appeal, was dismissed by the Panel. That penalty meant that Mr Brown missed the Golden Slipper race meeting.

5. The Panel agrees that the breach here is serious. There is the real possibility that Mr Van Overmeire's horse would have won the race if he had ridden at 54.5 kilograms. That is similar to Mr Brown's breach of the rule. It is splitting hairs to suggest as the Appellant did that there was any significant difference between the importance of the race here, and the race in the *Appeal of Brown*. Both involved Saturday race meetings. Both involved very narrow margins between second and first. Mr Brown has breached this rule more often, but he has ridden a great deal longer than Mr Van Overmeire.

6. Ultimately, the purpose of imposing penalties for breaches of this rule—as with all the Rules of Racing—is to uphold the image of integrity of racing. While obviously this offence involves no dishonesty and no intent, it is always a 'bad look' for racing when a horse is beaten by a very narrow margin and the jockey weighs in overweight. This is more so when it occurs at a Saturday race meeting when a race such as the Caulfield Cup is on in Melbourne.

7. For all those reasons the Panel does not consider that the 14-day suspension imposed is too severe, and is the penalty we choose to impose. Given that, the appeal against penalty must be dismissed.

The orders the Panel makes are these:

1. Appeal dismissed.

2. Penalty of two-week suspension confirmed. That penalty commenced on 22 October 2018, and expires on 5 November 2018, on which day the appellant may ride.

3. Appeal deposit forfeited.