



**Racing  
Victoria**

Racing Appeals and Disciplinary Board  
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## **APPEAL DECISION**

**MITCH AITKEN**

*and*

**RACING VICTORIA STEWARDS**

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**Date of Hearing:** 17 May 2017

**Heard By:** Judge Bowman (Chair)

**Appearances:** Wade Hadley appeared on behalf of the stewards.  
Des O'Keeffe appeared on behalf of Mr Aitken.

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At Caulfield on Saturday 29 April 2017, apprentice jockey Mitch Aitken pleaded guilty to a charge under AR 137(b) for failing to ride his mount out for the final strides of the race. The charge relating to this ride on *Extra Olives* in Race 6 the *Next Payments Handicap* (1200m).

Mr Aitken was fined \$750.

In assessing penalty, stewards took into account his recent record.

A Notice of Appeal against the **severity of the penalty** was lodged on 2 May 2017.

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**DECISION: Appeal allowed.  
Penalty varied to a \$500 fine.**

**Georgie Gavin  
Registrar - Racing Appeals & Disciplinary Board**

**TRANSCRIPT OF  
PROCEEDINGS**

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**RACING APPEALS AND DISCIPLINARY BOARD**

**HIS HONOUR JUDGE J. BOWMAN, Chairman**

**EXTRACT OF PROCEEDINGS**

**DECISION**

**MITCH AITKEN**

**and**

**RACING VICTORIA STEWARDS**

**RACING VICTORIA CENTRE, FLEMINGTON**

**WEDNESDAY, 17 MAY 2017**

MR D. O'KEEFFE appeared on behalf of Mr M. Aitken

MR W. HADLEY appeared on behalf of the RVL Stewards

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CHAIRMAN: Mr Mitch Aitken, you are appealing against the severity of the penalty of the fine of \$750 imposed upon you by the Stewards following your ride on Extra Olives in race 6 at Caulfield on Saturday, 29 April 2017. The fine was imposed on the basis that you failed to ride your mount out in the last stride or couple of strides.

Extra Olives ran fifth, a nose behind Liberty Song, ridden by Chelsea Hall, who incidentally was fined \$300 for failing to ride her mount out, but it did run fourth. The Stewards were not satisfied that your failure cost you fourth place but alleged that it may have. Had they been satisfied that it did, your penalty would have been more severe.

It was argued by Mr O'Keeffe on your behalf that a fine of \$750 is excessive in the circumstances, which included your immediate plea of guilty. You have one prior offence of this nature, that being at Bendigo on 11 April last, when you were fined \$200. In your career of 915 rides, that was your only prior offence of this nature. There is no argument that your failure to ride out your mount on that occasion at Bendigo did not affect the finishing order.

I have viewed the film. There is no argument that neither you nor Chelsea Hall rode out your mounts over the last one or two strides. The rail was out. You are inexperienced at Caulfield. It was, as Mr Bailey said when interviewing you after the race, "a trap for young players". Then again, if you ride at a metropolitan meeting, as you are a successful young apprentice, you have to measure up to city standards.

What concerns me here is the issue of parity of penalties. I will not go through the list of recent penalties imposed for this offence, suffice to say that it was argued by Mr O'Keeffe that the penalty is the highest of some 16 imposed in the last six months. One that catches my eye is that imposed on Patrick Holmes for his second offence this calendar year. On each occasion, the Stewards formed the view that his failure to ride his mount out may have affected the placings. Your earlier offence was not in that category. Then again, your second offence was at a Saturday city meeting. I also note that this was Chelsea Hall's second offence this calendar year, but then again, she managed to hang on to fourth place.

Parity of penalty is important; so is the image conveyed to the public, particularly to the punting public. In the circumstances, I will uphold this appeal. I note that for his second offence, each having had the potential of affecting the result, Patrick Holmes was fined \$500 after a fine of \$400 for his earlier offence, but these were not city meetings. Weighing up all the circumstances that I have referred to, including your immediate plea of guilty, the penalty will be varied to one of \$500.

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