

RACING VICTORIA LIMITED
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RACING APPEALS AND
DISCIPLINARY BOARD



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HEARING RESULT

Distribution: Chief Executive
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C Polglase – Racing NSW
Racing Press

FROM: Registrar – Racing Appeals and Disciplinary Board

DATE: 12 August 2010

SUBJECT: **HEARING RESULT – JOCKEY: BRIAN HIGGINS**

Panel Mr Brian Forrest (Deputy Chair), Mr Darren McGee, Mrs Barbara Phelan

Appearances Mr Des O’Keeffe appeared on behalf of Mr Higgins.
Mr Bruce McGinley appeared on behalf of the RVL Stewards.

Charge 1 Breach of AR 175(a) – improper action.

The particulars of the charge being Mr Higgins deliberately placed his riding gear against the head of the scale so as to affect the weight displayed, subsequent to the running of Race 4 at Seymour on Thursday, 29 July 2010.

Charge 2 Breach of AR 145

The charge relating to Mr Higgins weighing in 1.5 kilograms over his declared weight subsequent to the running of Race 4 at Seymour on Thursday, 29 July 2010.

Plea Charge 1 – Guilty.
Charge 2 – Guilty.

Decision In relation to charge 1, Mr Higgins convicted and fined the amount of \$600. In relation to charge 2, Mr Higgins convicted but with no penalty imposed.

Georgie Curtis
Registrar - Racing Appeals and Disciplinary Board

TRANSCRIPT OF PROCEEDINGS

RACING APPEALS AND DISCIPLINARY BOARD

MR B. FORREST, Deputy Chairman
MR D. McGEE
MRS B. PHELAN

EXTRACT OF PROCEEDINGS

DECISION

JOCKEY: BRIAN HIGGINS

MELBOURNE

THURSDAY, 12 AUGUST 2010

MR B. McGINLEY appeared on behalf of the RVL Stewards

MR D. O'KEEFFE appeared on behalf of Mr B. Higgins

DEPUTY CHAIRMAN: The Board has been assisted by the submissions made by Mr McGinley and on Mr Higgins' behalf by Mr O'Keeffe in determining the penalty to be imposed in this matter.

There are, as Mr O'Keeffe has indicated, some genuine circumstances which have been recited to the Board as to Mr Higgins' financial position and any penalty imposed upon him will obviously have considerable impact, given his present circumstances. As Mr McGinley has indicated, there was initially a denial of any improper action, but it was followed by the acknowledgment subsequently and a plea of guilty here today that Mr Higgins has done the wrong thing. In his favour also, he has taken some positive steps to improve his position weight-wise as a jockey, given his unfortunate personal circumstances which impacted him at around about this time and previously.

In all the circumstances and taking it all into account, what we propose to do is impose a fine of \$600 for the improper action, as outlined by Mr McGinley, pursuant to AR 175(a). In regard to the charge under AR 145, that also has been proved, but in all the circumstances, we do not intend to impose any further monetary penalty in relation to that charge.

END OF EXTRACT