



APPEAL RESULT

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FROM: Registrar – Racing Appeals and Disciplinary Board

DATE: 30 September 2013

SUBJECT: **APPEAL HEARING RESULT – JOCKEY: DAMIEN OLIVER**

Panel Judge Russell Lewis (Chair), Mr Brian Forrest (Deputy), Mr Darren McGee.

Appearances Mr Oliver appeared on his own behalf.
Mr Terry Bailey appeared on behalf of the Stewards.

At Moonee Valley on Friday 27 September 2013, jockey Damien Oliver pleaded guilty to a charge of careless riding on his mount *Mr Moet* in Race 7 the *Alternate Railway JRA Cup* (Group 3, 2040m).

The careless riding being that he permitted his mount to shift in passing the winning post on the first occasion when insufficiently clear of *Talent Show*, which had to be checked.

Damien Oliver had his licence to ride in races suspended for a period to commence at midnight on Friday, 27 September 2013 and to expire at midnight on Sunday, 6 October 2013 – a total of 10 race meetings (4 metro, 6 provincial).

In assessing penalty, Stewards took into account D Oliver's guilty plea and that a contributing factor of the incident was the tempo of the race starting to slacken and that the degree of interference qualified for the mid-range of careless riding.

A Notice of Appeal against the **severity of the penalty** was lodged on Saturday, 28 September 2013. A stay of proceedings was not requested.

DECISION: **Appeal dismissed. Penalty to remain standing.**

TRANSCRIPT OF PROCEEDINGS

RACING APPEALS AND DISCIPLINARY BOARD

HIS HONOUR JUDGE R.P.L. LEWIS, Chairman
MR B. FORREST, Deputy Chairman
MR D. McGEE

EXTRACT OF PROCEEDINGS

DECISION

**IN THE MATTER OF THE ALTERNATE RAILWAY JRA CUP
(GROUP 3) OVER 2040 METRES AT MOONEE VALLEY ON 27/9/13**

JOCKEY: DAMIEN OLIVER

MELBOURNE

MONDAY, 30 SEPTEMBER 2013

MR T. BAILEY appeared on behalf of the RVL Stewards

MR D. OLIVER appeared on his own behalf

CHAIRMAN: This is a case where the Board is satisfied that when the Appellant crossed Yendall's mount, he was only approximately one length clear. The Appellant was master of the situation. There was no pressure from his outside, there was clear running ahead of him, albeit the pace was slackening. He was going to be caught three wide and so he elected to shift in to try to obtain a position one off the fence. In so doing, Yendall had to check his mount. The Appellant did not look to his inside at any stage before the interference occurred.

In the Board's view, this was clearly a mid-range level of carelessness. In the Board's view, the stewards made the appropriate discounts in considering the question of penalty and the Board sees no good reason to interfere with the penalty the Stewards imposed. The appeal is therefore dismissed.
