



HEARING RESULT

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FROM: Registrar – Racing Appeals and Disciplinary Board

DATE: 27 March 2013

SUBJECT: **HEARING RESULT – JOCKEY: DEAN HOLLAND**

Panel Judge Russell Lewis (Chair), Mr Brian Forrest (Deputy),
Mr Graeme Ward.

Appearances Mr Paul O'Sullivan of O'Sullivan Saddington Lawyers appeared on
behalf of Mr Holland.

Dr Cliff Pannam QC, instructed by Mr David Poulton of Minter Ellison
Lawyers, appeared as Counsel for the Stewards.

Charge Breach of AR 135(b)

*The rider of every horse shall take all reasonable and permissible
measures throughout the race to ensure that his horse is given full
opportunity to win or obtain the best possible place in the field.*

The charge relating to Mr Holland's ride on the Troy Portelli trained *Eight
Bills* in Race 7 the *MITC IVECO Hareeba Stakes* (1200m, Listed) at
Morningson on Wednesday, 13 February 2013.

Plea Not guilty.

Decision The Board does not find the charge proved – accordingly the charge is
dismissed.

**TRANSCRIPT OF
PROCEEDINGS**

RACING APPEALS AND DISCIPLINARY BOARD

**HIS HONOUR JUDGE R.P.L. LEWIS, Chairman
MR B. FORREST
MR G. WARD**

EXTRACT OF PROCEEDINGS

DECISION

**IN THE MATTER OF THE MITC IVECO HAREEBA STAKES
(LISTED) OVER 1200 METRES AT MORNINGTON ON 13/2/13**

JOCKEY: DEAN HOLLAND

MELBOURNE

WEDNESDAY, 27 MARCH 2013

DR C.L. PANNAM QC appeared on behalf of the RVL Stewards

MR P. O'SULLIVAN appeared on behalf of Mr D. Holland

CHAIRMAN: In this case, Dean Holland has been charged with a breach of Australian Rule of Racing 135(b). The particulars of the charge are set out in the amended particulars filed this day. The particulars in essence make two allegations; (1) that Dean Holland defiantly failed to obey clear instructions given to him by trainer Portelli; (2) that deliberate failure to obey instructions was confirmed by the manner in which he rode the horse, Eight Bills, from the time it left the barrier.

The Stewards, represented by Dr Pannam, put it that Holland's intention was at all times to ignore, indeed defy the instructions and ride the horse forward to obtain a position near the lead. If the Board is satisfied that that was the situation, Dr Pannam submits that Holland's ride was culpable and not an error of judgment and therefore the charge has been proved. Mr O'Sullivan, who appeared for Holland, submits that the Board could not be satisfied as to what the precise instructions were.

Be that as it may, the Board is satisfied that Holland's understanding of the instructions was different from Portelli's understanding of his, Portelli's, instructions, in that Holland proposed a plan with which Portelli agreed but he, Portelli, added the rider that Holland was "to keep going back until he got in".

The Board is not satisfied that there was a clear understanding between the parties as to what the instructions were. In Portelli's mind, the instructions were clear. On the other hand, Holland was of the belief that his plan had been acquiesced in by Portelli, particularly as he believed that speed would come

from the outside, an opinion shared by the Stewards' expert, Mr Kassay, in his pre-race assessment.

As for Holland's ride, the Board accepts the explanations given by him, supported by two experienced riders, namely, Gregory Childs, now retired, and Stephen Baster. Therefore, the Board is not satisfied to the requisite standard, that is, the Briginshaw standard, that Holland's ride could be described as culpable, in the sense that, objectively viewed, it is blameworthy. Accordingly, the charge of breach of Australian Rule 135(b) is dismissed.
