

APPEAL RESULT

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FROM: Registrar – Racing Appeals and Disciplinary Board

DATE: 3 March 2015

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

Panel Judge Russell Lewis (Chair), Mr Chris Fox, Mr Jeremy Rosenthal.

Appearances Mr John Didham appeared on behalf of Mr Oliver.
Mr Terry Bailey appeared on behalf of the stewards.

At Caulfield on Saturday 28 February 2015, jockey Damien Oliver was found guilty of a charge of careless riding on his mount *Armada* in Race 1 the *William Hill Zeditave Stakes* (Group 3, 1200m).

The careless riding being that approaching the 800m he permitted his mount to shift in when insufficiently clear of *Rommel* resulting in that horse being checked which in turn tightened the running of *Onerous*, resulting in *Onerous* being hampered and shifting in and having to take up a position on the fence.

Mr Oliver had his licence to ride in races suspended for a period of 8 race meetings, commencing midnight Saturday 28 February 2015 and expiring midnight Saturday 7 March 2015.

In assessing penalty Stewards took into account the incident was in the low range.

A Notice of Appeal against **the decision and severity of the penalty** was lodged on Sunday, 1 March 2015. A stay of proceedings was not required.

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

**TRANSCRIPT OF
PROCEEDINGS**

RACING APPEALS AND DISCIPLINARY BOARD

**HIS HONOUR JUDGE R.P.L. LEWIS, Chairman
MR C. FOX
MR J. ROSENTHAL**

EXTRACT OF PROCEEDINGS

DECISION

**IN THE MATTER OF THE WILLIAM HILL ZEDITAVE STAKES
(GROUP 3) OVER 1200 METRES AT CAULFIELD ON 28/2/15**

JOCKEY: DAMIEN OLIVER

MELBOURNE

TUESDAY, 3 MARCH 2015

MR T. BAILEY appeared on behalf of the RVL Stewards

MR J. DIDHAM appeared on behalf of the Appellant

CHAIRMAN: In this appeal, the Appellant concedes that he caused interference, albeit minor, to Parnham's mount. The Board disagrees with this description for the following reasons: first, the interference caused Parnham to take evasive action by turning his horse's head in. Secondly, Parnham took evasive action to avoid the risk of catching Oliver's mount's heels. Accordingly, the Board is of the opinion that the Appellant was careless, but that the carelessness was in the low range.

In the Board's opinion, the suspension of eight meetings reflected the Stewards' view that the carelessness warranted a penalty less than the high end of the low range. The Appellant has not been able to call in aid any discounting factors and therefore the Board sees no good reason to vary the penalty imposed by the Stewards, as it was clearly within the range of penalties open to them. The appeal against conviction and penalty are dismissed.
