



## APPEAL RESULT

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**DISTRIBUTION:** Chief Executive  
Group Integrity Services  
Group Racing and Group Racing Development  
VJA  
TVN  
Office of Racing  
T Moxon – National Drug Register  
Racing Press

**FROM:** Registrar – Racing Appeals and Disciplinary Board

**DATE:** 3 October 2012

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

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**Panel** Judge Russell Lewis (Chair), Mr Bill Kneebone, Mr Graeme Ward.

**Appearances** Mr James Williams appeared on behalf of Mr Oliver.  
Mr Terry Bailey appeared on behalf of the Stewards.

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At an adjourned inquiry on Monday 1 October 2012, jockey Damien Oliver was found guilty of a charge under AR 137(d) which states that:

*“Any rider may be penalised, if, in the opinion of the Stewards, he excessively slows, reduces or checks the speed of his horse thereby causing interference, directly or indirectly, to any other horse in the race.”*

The charge relating to his ride on *Elite Elle* in Race 4 the *TBV/Gallagher Bassett Champagne Stakes* (Group 3, 1200m) at Moonee Valley on Friday, 28 September 2012.

The particulars being that between the 1000 metres and the 900 metres Damien Oliver excessively reduced the speed of his mount which, resulted in the pace of the race slackening. This caused *Saturn Rock* to be checked off the heels of *Hoss Amor* which was following *Elite Elle*. *Saturn Rock* was then left with no option other than to shift in when not clear of *Valid Contract* resulting in *Valid Contract* and *Saturn Rock* both being checked severely.

Mr Oliver had his licence to ride in races suspended for a period to commence at midnight on Monday, 1 October 2012 and to expire at midnight on Thursday, 11 October 2012 - a total of 11 race meetings.

A Notice of Appeal against **the decision and severity of the penalty** was lodged on Monday, 1 October 2012. A stay of proceedings was not requested.

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**DECISION:** **Appeal allowed.**

# **TRANSCRIPT OF PROCEEDINGS**

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## **RACING APPEALS AND DISCIPLINARY BOARD**

**HIS HONOUR JUDGE R.P.L. LEWIS, Chairman  
MR W. KNEEBONE  
MR G. WARD**

## **EXTRACT OF PROCEEDINGS**

## **DECISION**

**IN THE MATTER OF THE TBV/GALLAGHER BASSETT  
CHAMPAGNE STAKES GROUP 3 OVER 1200 METRES  
AT MOONEE VALLEY ON 28/9/12**

**JOCKEY: DAMIEN OLIVER**

**MELBOURNE**

**WEDNESDAY, 3 OCTOBER 2012**

MR T. BAILEY appeared on behalf of the RVL Stewards

MR J. WILLIAMS appeared on behalf of Mr D. Oliver

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CHAIRMAN: In this case, the evidence is complete, except for the evidence of a potential witness, Glen Boss, who was to be called by the defence. The primary question is whether the reduction in speed was excessive. It is to be determined as the evidence unfolds by two major considerations: (1) did the reduction in speed cause Nash Rawiller to go inside Damien Oliver, thereby causing Boss to severely check his mount? That is the Stewards' case. The contrary view is did Nash Rawiller, of his own volition, go inside Damien Oliver, and did Glen Boss, who was riding his horse along, fail to assess the situation, thereby being master of his own fate and that of others?

The onus is on the Stewards to satisfy the Board on the balance of probabilities that Oliver was the prime cause of the interference. The evidence is such and so contradictory that the Board has been left in a position where it is unable to be satisfied to the required standard. In the circumstances, the Board will not require that Glen Boss be heard, since he is the defendant's witness, and the appeal is allowed.

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