



## 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:** 5 March 2012

**SUBJECT:** **APPEAL HEARING RESULT – JOCKEY: MARK ZAHRA**

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**Panel** Judge Russell Lewis (Chair), Mr Brian Forrest (Deputy Chair), Mr Ron Taylor.

**Appearances** Mr Des O’Keeffe appeared on behalf of Mr Zahra.  
Mr Bruce McGinley appeared on behalf of the Stewards.

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At Ballarat on Thursday, 1 March 2012, jockey Mark Zahra was found guilty of a charge under the provisions of AR 137(b) in that he did not ride his mount *Cue Sea* (second place-getter) out to the end of Race 3 the *Ace Insurance SV 3YO Maiden Plate* (1600m), which Stewards believed affected the result of the race.

Mr Zahra had his licence to ride in races suspended for a period to commence at midnight on Sunday, 4 March 2012 and to expire at midnight on Wednesday, 28 March 2012 – a total of 27 race meetings (9 metro, 18 country).

In assessing this matter, Stewards took into account Mark Zahra’s good record, the weather conditions the race was run in and that *Cue Sea* had a tendency to lay in.

A Notice of Appeal against **the severity of the penalty** was lodged on Friday, 2 March 2012. A stay of proceedings was not requested.

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

**Penalty varied – the period of suspension to now expire at midnight on Friday, 23 March 2012.**

**TRANSCRIPT OF  
PROCEEDINGS**

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**RACING APPEALS AND DISCIPLINARY BOARD**

**HIS HONOUR JUDGE R.P.L. LEWIS, Chairman  
MR B. FORREST, Deputy Chair  
MR R. TAYLOR**

**EXTRACT OF PROCEEDINGS**

**DECISION**

**IN THE MATTER OF THE ACE INSURANCE SV  
THREE-YEAR-OLD MAIDEN PLATE OVER 1600 METRES**

**JOCKEY: MARK ZAHRA**

**MELBOURNE**

**MONDAY, 5 MARCH 2012**

MR B. MCGINLEY appeared on behalf of the RVL Stewards

MR D. O'KEEFFE appeared on behalf of the Appellant

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CHAIRMAN: In this matter, the Board has heard submissions from Mr McGinley on behalf of the stewards and Mr O'Keeffe on behalf of Mark Zahra, the Appellant.

At the outset, the Board wishes to make it clear that it regards a monetary penalty in a case of this kind as being quite inappropriate.

The Board is of the opinion that Mr McGinley correctly took into account the circumstances which existed on the day and the various mitigating factors. However, the Board is of the opinion that perhaps some greater weight should be given to those mitigating factors and in addition to matters personal to Mr Zahra, in particular, the obvious problem he is going to have in managing his weight in the next period.

In all the circumstances, the Board is prepared to allow the appeal against penalty by varying it so that the suspension will now expire at midnight on Friday, 23 March 2012.

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