



## 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:** 9 July 2012

**SUBJECT:** **APPEAL HEARING RESULT – JOCKEY: PETER MERTENS**

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**Panel** Judge Russell Lewis (Chair), Mr Darren McGee, Mr Graeme Ward.

**Appearances** Mr Brett Wright appeared on behalf of the Stewards.  
Mr Des O’Keeffe appeared on behalf of Mr Mertens.

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At Traralgon on Tuesday 3 July 2012, jockey Peter Mertens was found guilty of a charge under AR 137(b) for failing to ride his mount out approaching the end of the race with his usual vigour; which in the opinion of the Stewards affected the result.

The charge relating to his ride on *Rick’s Lady* in Race 9 the *Winning Post Racing Calendar 0-58 Handicap(2)* (1430m).

In weighing up all of the circumstances and taking into account Mr Merten’s good riding record over a long period, Mr Mertens was fined the amount of \$3,000.

A Notice of Appeal against **the decision and severity of the penalty** was lodged on Wednesday, 4 July 2012.

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**DECISION:** **Appeal against decision dismissed.**  
**Appeal against severity of penalty allowed.**

**The penalty varied to a fine of \$500.**

**TRANSCRIPT OF  
PROCEEDINGS**

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**RACING APPEALS AND DISCIPLINARY BOARD**

**HIS HONOUR JUDGE R.P.L. LEWIS, Chairman  
MR D. McGEE  
MR G. WARD**

**EXTRACT OF PROCEEDINGS**

**DECISION**

**IN THE MATTER OF THE WINNING POST RACING  
CALENDAR 0-58 HANDICAP OVER 1430 METRES  
AT TRARALGON ON 3/7/12**

**JOCKEY: PETER MERTENS**

**MELBOURNE**

**MONDAY, 9 JULY 2012**

MR B. WRIGHT appeared on behalf of the RVL Stewards

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

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CHAIRMAN: In this appeal, the Board is satisfied that the Appellant, Peter Mertens, did not push his mount out for two to three strides before again riding it along close to the post. The Board rejects the Appellant's explanation that he did not push his mount along at the relevant stage of the race because it was dipping and getting in. The Board is satisfied that had the horse been ridden out, it would have run 3rd, the margin between 3rd and 4th only being a nose.

#### DISCUSSION

The Board is of the opinion that this was a low-level offence and unusually, we have before us a significant amount of information relating to Mr Mertens' income and his outgoings. It is quite obvious that it is a close-run thing as to how he is financially viable. In the circumstances, Mr Mertens is convicted and fined the sum of \$500.

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