

APPEAL RESULT

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FROM: Registrar – Racing Appeals and Disciplinary Board

DATE: 27 March 2015

SUBJECT: **APPEAL HEARING RESULT – JOCKEY: BILLY EGAN**

Panel Judge Russell Lewis (Chair), Mr Brian Forrest (Deputy), Mr Chris Fox.

Appearances Mr Peter Jurkovsky appeared on behalf of Mr Egan.
Mr Geoff Hausfeld appeared on behalf of the stewards.

Subsequent to the running of Race 6 at Kyneton on Sunday 22 March 2015, stewards opened an inquiry into the reason that jockey B Egan returned to scale 1.2 kg over his declared weight. Evidence was taken from stable foreman Ms Kim Eden, (representing Trainer Mr E Jusofovic), rider B Egan and Clerk of Scales Mr R Wood.

It was established that after weighing out at the correct weight Mr Egan inadvertently added a lead bag to the saddling gear of the gelding which ultimately resulted in the gelding carrying 1.2 kg more than its declared weight.

Subsequently Mr Egan was found guilty of a charge under AR 145 for returning to scale in excess of his declared weight. AR 145 states that:

If a horse carries more than a half a kilogram in any race over the weight imposed or declared, the rider and any other person at fault may be penalised.

Mr Egan had his licence to ride in races suspended for a period to commence midnight Tuesday, 24 March 2015 and to expire at midnight on Tuesday, 7 April, 2015 – a total of 12 race meetings.

In assessing penalty Stewards took into account the relevant mitigating circumstances surrounding the incident, the narrow half head margin that the gelding was beaten by for first place and also B Egan's personal circumstances.

A Notice of Appeal against **the decision and severity of the penalty** was lodged on Monday, 23 March 2015. A stay of proceedings was not requested.

At the hearing an application was made by Mr Egan to for leave to amend the Notice of Appeal against severity of penalty only – this application was accepted by the Board.

DECISION: **Appeal allowed.**

Penalty varied so that the period of suspension expires at midnight on Sunday, 29 March 2015 (6 race meetings.)

Georgie Gavin
Registrar - Racing Appeals & Disciplinary Board

**TRANSCRIPT OF
PROCEEDINGS**

RACING APPEALS AND DISCIPLINARY BOARD

**HIS HONOUR JUDGE R.P.L. LEWIS, Chairman
MR B. FORREST, Deputy Chairman
MR C. FOX**

EXTRACT OF PROCEEDINGS

DECISION

JOCKEY: BILLY EGAN

MELBOURNE

FRIDAY, 27 MARCH 2015

MR G. HAUSFELD appeared on behalf of the RVL Stewards

MR P. JURKOVSKY appeared on behalf of the Appellant

CHAIRMAN: At the outset, the Board grants leave to amend the grounds of appeal to one of severity only.

As to the appeal against severity, the Board notes that the primary obligation is upon the rider to ensure that his mount carries the correct weight in accordance with Australian Rule of Racing 145.

The Board accepts that the Appellant's failure to comply with the rule was due to carelessness on his part. An important consequence of his negligence was loss of first place.

That said, the infringement was detectable and was not picked up by those responsible for seeing to it that the horse was carrying its proper weight, in circumstances where they were alive to the lead bag being on the horse prior to the race.

After taking into account these aspects and matters personal to the Appellant, the Board considers that the penalty be varied so that the suspension will expire at midnight on Sunday, 29 March 2015.
