



DECISION

RACING VICTORIA STEWARDS and DEAN HOLLAND

Date of Hearing: 23 March 2017

Panel: Judge Bowman (Chair), Mr Stephen Curtain, Mr Geoff Ellis.

Appearances: Dr Cliff Pannam QC appeared as counsel for the stewards.
Mr Paul O'Sullivan appeared as counsel for Mr Holland.

Charge Breach of AR 135

(b) The rider of every horse shall take all reasonable and permissible measures throughout the race to ensure that his horse is given full opportunity to win or to obtain the best possible place in the field.

(c) Any person who in the opinion of the Stewards has breached, or was a party to breaching, any portion of this Rule may be penalised, and the horse concerned may be disqualified. The rider of every horse shall take all reasonable and permissible measure throughout the race to ensure that his horse is given full opportunity to win or obtain the best possible place in the field.

Particulars The charge relates to Mr Holland's ride on *Barge and Charge* in Race 7, the *Modscape Handicap* (3000m) at Moonee Valley on Friday 3 February 2017.

Plea: Guilty.

Decision: Mr Holland convicted and his licence to ride in races suspended for a period of 3 weeks, commencing at midnight on Saturday 25 March 2017.

Georgie Gavin
Registrar - Racing Appeals and Disciplinary Board

TRANSCRIPT OF PROCEEDINGS

RACING APPEALS AND DISCIPLINARY BOARD

**HIS HONOUR JUDGE J. BOWMAN, Chairman
MR S. CURTAIN
MR G. ELLIS**

EXTRACT OF PROCEEDINGS

DECISION

RACING VICTORIA STEWARDS

and

DEAN HOLLAND

RACING VICTORIA CENTRE, FLEMINGTON

THURSDAY, 23 MARCH 2017

DR C.L. PANNAM QC appeared on behalf of the RVL Stewards

MR P. O'SULLIVAN appeared on behalf of Mr D. Holland

CHAIRMAN: Mr Dean Holland, you have pleaded guilty to a charge of breaching AR 135, in that in race 7 over 3000 metres at Moonee Valley on the night of 3 February 2017, you were riding Barge And Charge and, in summary, did not give the horse full opportunity to win or obtain the best possible place in the field. All reasonable and permissible measures to ensure that the horse was given full opportunity were not taken.

In essence, the charge relates to you maintaining a fast tempo on the outside of another horse that was leading the field between the 750-metre mark and the 1200-metre mark. The two horses drew many lengths ahead of the rest of the field and ultimately both horses finished tailed off.

We have viewed the video. We can understand why a plea of guilty was entered. We agree with Dr Pannam on behalf of the Stewards concerning the importance of this rule. Those who supported Barge And Charge would have fully realised by the 1200-metre mark that they had well and truly lost their money.

We emphasise that there was no suggestion of any strange betting fluctuations or the like in the present case, but punters are entitled to think that they have had a fair run for their money. In addition, the general image of racing can be damaged if horses are not given every opportunity with all reasonable and permissible measures to win or run a place, or if measures to obtain the best position are not taken. They were not in the present case.

This is a serious charge to which you have pleaded guilty and an appropriate discount shall be given for that plea. We have also taken into account the various circumstances that were prevailing. You were riding a horse with which you were not familiar. It was a pick-up ride for a trainer who was not present at the track. However, that does not excuse the manner in which you rode the horse between the 1750-metre mark and the 1200-metre mark. You failed to steady the horse or drop in behind the horse on your inside. You continued to push on on the outside of it and it was fully understandable that Barge And Charge had run its race a long way from home.

This was not a split-second decision to fail to take a run in a sprint race. This was a failure to take every reasonable and permissible measure over 550 metres in a distance race. Were it not for your plea of guilty, we may have thought the appropriate penalty, bearing in mind the penalties handed down in similar circumstances, was a suspension of four weeks. Because of your plea of guilty and the matters raised on your behalf, we are reducing that to three weeks. Accordingly, you are suspended for a period of three weeks, effective from midnight, 26 March 2017.
